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POLITICAL SCIENCE QUARTERLY

SOME HISTORICAL IDOLS

IN the *Novum Organum* Francis Bacon, expounding his famous doctrine of "idols", likens the human intellect to a false mirror, which distorts the nature of things by mingling its own nature with it, and observes that the infusion which the mind receives from will and desire produces what may be called sciences to suit one's purpose, *ad quod vult scientias*. If you pay attention to Bacon's matter and not to his manner, he sounds like a modern psychologist discoursing upon the process of "rationalization", when he says that what one wishes to be true he easily believes to be true. In concluding his discussion of the various kinds of idols, or false notions, that are deeply embedded in the human mind, he admonishes those who would interpret nature truly to renounce them all with a fixed and solemn determination, so that they may approach the Kingdom of Man, which is founded on science, as they would approach the Kingdom of Heaven, whereinto none may enter save as a little child. In offering this counsel of perfection Bacon may seem less modern. The seventeenth century did not concern itself with animal psychology or seek to plumb the deeps of the human subconscious. It may be that the mind of man cannot be fully cleansed of all its idols. But at any rate Bacon's ideal of disinterestedness is the ideal of the present-day scientist—at least while he is at work in his laboratory.

For many centuries astrologers studied the movements of the heavenly bodies because of their supposed relation to human life and destiny. They acquired some astronomical knowledge, but astronomy became genuinely scientific only

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when the belief in astrology had decayed, and the study of sun, moon, planets and stars ceased to be a means to an end and became an end in itself, when disinterested curiosity concerning astronomical phenomena *per se* was substituted for interest in the fate of human beings as the impelling incentive to astronomical research. Astronomy having freed itself from concern with the fortunes of mankind, its subsequent development has been amazing, though by no means gratifying to human vanity and self-importance. It is not believed today—in informed circles—that the sun pours out its light and heat for our benefit, or that the moon shines for happy lovers. The stars in their courses no longer fight for Sisera. Astronomy has put us in our place in the cosmos, and it is seen that considerations of human dignity and prestige have nothing to do with the case. To our ancestors, who lived decorously on a stationary earth at the center of a tidy and well-regulated universe, with all the celestial bodies doing homage to them, the situation in which we find ourselves would seem intolerably degraded. Here we are, the erstwhile lords of creation, parasites of a minor planet of a mediocre star which is but one of several thousand million that form a galaxy which itself has unnumbered fellows,—transported in a bewildering maze of motions at astonishing velocities, with the rotation of the earth on its axis, with the revolution of the earth around the sun, with the sun in its galaxy, with the galaxy through space toward no one knows where. Modern astronomy does, indeed, tell us that the solar system probably originated in circumstances of considerable distinction, a gravitational encounter some two thousand million years ago between our sun and another star, which, if not unique in the history of the universe, was at least not commonplace. It tells us that in comparison with the total number of stars the number of possible abodes of life is probably very small, that it is unlikely that communities of beings like ourselves, though such may exist here and there beyond our ken, are generously distributed through space. Yet such crumbs of comfort are but poor consolation to wounded self-esteem. The spiritual advantages of centrality are forever lost to us. Before the astronomical revolution with

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which the names of Copernicus and Galileo are associated, man, in estimating his cosmic position, had been guided mainly by his own desire. "Inexorable facts", in the words of an eminent living physicist, "now dethroned him from his self-arrogated station at the centre of the universe". It is disinterested curiosity that has reduced us to our present lowly estate.

There is, of course, another aspect of the case, and in this we can take such pride as may be essential to our happiness. Perhaps there are no other beings than ourselves in the universe who know enough to be humble about their cosmic position. Or, if we are invincibly anthropocentric in our attitude toward the external world and at the same time philosophically inclined, we can find more than consolation for the indignity that astronomy has inflicted upon humanity by adopting the metaphysic of subjective idealism, which makes the very existence of the cosmos dependent upon consciousness. "What can be more flattering to human vanity", Morris R. Cohen asks, "than to believe that we carry the whole physical universe in our heads?"

In spirit and outlook the greater part of historical literature has been astrological, if one may say so, rather than astronomical. Even in this age when science is on every lip, a fair amount of the historical output continues to be inspired by faith, hope or charity, or by envy, hatred or malice, rather than by disinterested curiosity about the past of the human race. "To study ourselves as through the eye of an outsider is the basic difficulty in social science", writes a contemporary anthropologist, and the difficulty is not removed when, instead of studying ourselves, we study our predecessors, near or remote. But if we assume that history can attain to a degree of detachment comparable to that of the natural sciences—and if we are not prepared to make this assumption, we ought to stop talking about scientific history—then it behooves us to take to heart Bacon's advice to the student of nature and strive to exorcise the idols that distort our view of the human past. There are a good many of them, and the first step, evidently, is to be aware of their existence. Any critical

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student of historiography can compile a list of them for himself. Here attention is invited to three of these idols.

There is, in the first place, the idol of patriotism, promoter of a vast literature of nationalistic history, a high-powered distorter of the past. Critics have done something to put us on guard against its historical ravages, but it remains a grave hindrance to scientific history. Nationalistic history has affected the people of all nations, combining with other factors to foster in them a sense of inflated and bombastic patriotism. It appears to have done little to develop public spirit or social solidarity in time of international peace. It would be difficult to show, I think, that it has softened the asperities of class conflict, or chastened individual selfishness, or promoted good will among men of the same nation. But it has been a potent factor in furthering ill will between men of different nations, and as a disturber of the world's peace its effectiveness will scarcely be questioned.

Most of us probably believe that ideas influence action. We may even agree with Carlyle that "man's philosophies are usually the supplement of his practise" and yet see reason to believe that these philosophies themselves affect human behavior. But few of us realize, as John Dewey has pointed out, that the ideas we recognize as immediately influential may have their origin in remote, and to us unknown, systems of thought, evolved under conditions widely different from those in which we live. It was philosophical systems that he had in mind, but what he emphasized is equally true of historical systems, that is, widely accepted interpretations of the past, for these, too, leave their deposit, imponderable but potent, in human thought and emotion. Man craves simple formulas. As Stevenson put it, he lives not by bread alone, but principally by catchwords. He relishes easy ideas about the past, glib interpretations of complex historical phenomena, which are sure to be misleading. Historians, as a rule, have been reckoned as "great" on account of their influence, their accord with the prevailing sentiments and preconceptions of their own day, or their literary charm, rather than because they have exhibited in their writings those qualities of mind and tempera-

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ment that mark the man of science. This is especially true of historians whose fortune it has been to be widely read. They have been fond of making incursions into the realm of historical philosophy, and their readers, accepting them as reliable reporters of the past, often fail to distinguish between their facts and their interpretations. It is too often forgotten that statements of trend and tendency and causation in history are generalizations based upon a selection of facts, and that a different selection would often support a different generalization. The historical notions that are conveyed by "great" historians, the coloring they give to past events, get diffused by a host of lesser luminaries, and find their way through textbooks into the schools, where they are usually taught uncritically and absorbed unquestioningly by the youth of the land. What was perhaps merely a personal judgment of an event or a personality or an epoch, resting, it may be, upon very insufficient evidence, can become a cherished national conviction which no good citizen must question.

It is more chastening, though doubtless less pleasant, to talk about beams than motes, so let us recall an example of the patriotic idol in American historiography. I refer to the myth of the American Revolution, long accepted as sober history, which modern historical scholars have been busy exploding, much to the indignation of one hundred per cent Americans, though on the whole decidedly to the satisfaction of one hundred per cent Britishers. For some time after the Revolution it was to be expected that those Americans who undertook to write the history of that epoch in the life of their nation should approach their task in the spirit of patriots and partisans, reflecting in their writings the fierce animosities engendered by the conflict, and indeed contributing powerfully to the perpetuation of those animosities. It is only within the last generation that the Revolution has come to be studied in a more scientific spirit, with the desire to find out what happened, rather than to justify. The revolt from England, we now know, was no spontaneous uprising of a whole people in behalf of human rights. It was, on the contrary, the work of an aggressive minority, capable in leadership and strong in

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organization, who managed to carry with them a more numerous body of less active persons. A large minority of the colonists, probably about one-third, detested the Revolution, remained loyal to King and Empire, and suffered loss of property and every species of indignity at the hands of their exasperated and often envious neighbors. No account of the Revolution which does not represent it as a civil war, involving confiscation of property and social upheaval, is even measurably true to facts. The nationalistic school of American history disregarded what did not suit their patriotic purposes. They slighted the arguments of the Loyalists, ignored the British official side of the case, and exalted the Revolutionary cause. In short, they gave a warped and biased interpretation of the Revolution. During the World War, when we became associates of the British Empire, the pendulum of bias swung to the other extreme; a sudden and very amusing reaction against the patriotic interpretation of the Revolution set in and for a time enjoyed considerable vogue. We were then gravely informed by well-intentioned Anglophiles that we had never had any real ground of quarrel with the British people, but only with their German king! So far as scientific history is concerned, this was merely exchanging the frying pan for the fire. To hold George III personally responsible for all the policies and measures of the British government which gave offence in the colonies is as glaring a misrepresentation of history as any of which patriotic American historians have been guilty.

Nationalistic history is, indeed, a most effective instrument of patriotic propaganda, and the deliberate use of it as such is not waning. If anybody should doubt the accuracy of these statements, he would do well to read the informing chapter on the French educational system in Carlton Hayes' *France: A Nation of Patriots,* bearing in mind that the systematic and unremitting inculcation of patriotism through the schools is not peculiar to France. The *reductio ad absurdum* of nationalistic history would appear to have been reached in Fascist Italy, where, as I understand, defenceless children of tender age, unarmed with previous knowledge and

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innocent of a sense of humor, are taught that Italy won the decisive victory in the World War. Verily, the world has not yet been made safe for scientific history.

Nationalistic history is as old as nationalism. It will last as long as men who love their country more than they love truth insist upon writing history. I do not allude to the deliberate telling of lies about past events, to such practices as the forgery or falsification of documents, though we must not be of such trustful disposition as to suppose that such things cannot happen in this age of enlightenment. At the beginning of the World War all of the belligerent governments published collections of discreetly selected diplomatic documents, with the object of justifying the respective governments in the parts they had played in the events preceding the outbreak of the war; it is needless to say that they did not have in mind the needs of prospective scientific students of history. From the point of view of scientific history, or even of common decency, the intentional misrepresentations and falsifications in some of these collections stand almost on a par with that egregious medieval forgery, fabricated in the interest of the Papacy, known as the Donation of Constantine. While this may well remind us that those who collect and edit and publish documents do not necessarily desire to make known the truth, the whole truth and nothing but the truth, the average of credulity today is probably somewhat lower than it was in the Middle Ages, and crude attempts to poison the wells of history are not likely to remain long undetected and unexposed. The authenticity of the Donation of Constantine was not questioned for six centuries; the dishonesties of the German White Book, the French Yellow Book and the Russian Orange Book were disclosed within as many years. The exploitation of the past for purposes of patriotic propaganda need not, however, and commonly does not, involve dishonesty, which by definition must be conscious. Well intentioned propagandists are a far more serious menace to scientific history than liars and forgers.

Pride of nationality, it should be admitted in all fairness, has often supplied a powerful motive for historical study. It

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has sometimes resulted in the accomplishment of work of great value for the scientific investigation of history. Had it not been for the nationalist movement in Germany in the early nineteenth century, to take an instance, the great mass of material that is to be found in the *Monumenta Germaniae Historica* would not have been made available to students. But if scientific history owes something to nationalism, the debt is similar to that which astronomy owes to astrology. In temperament and attitude the nationalist and the scientific historian are poles apart.

The second idol is what I venture to call the idol of reform. Like the idol of patriotism, with which it may but need not be associated, this has been responsible for a vast amount of pseudo-history. Reformers generally have shown an inveterate tendency to look to the past for a golden age, when the conditions which they desired to bring about were actually in existence. The world would be an intolerable place without reformers; our world, indeed, is largely of their creation, and there is still plenty of work for them to do. The question here is not at all concerning reform as such, or the merits of particular reforms. It relates only to the use to which reformers, very many of them at least, have put history. And it is true that opponents of reform, apologists for the *status quo,* have felt equally free to resort to history as a reservoir of precedents to support *their* case. Fortunately, when thieves fall out, honest men may come by their own, and it has often happened that the cause of scientific history has been advanced by the controversies between different schools of astrological history.

Very early in the evolution of human society reformers took history as their ally and in so doing interpreted it to suit their needs. They, as well as their conservative opponents, looked backward, usually much farther backward, and no reform was likely to make much headway unless it could be made to appear restorative in character. There have been idealists who have been content to imagine a state of society in which their ideals were realized, without claiming any historical sanction for it, but such men have not been practical reformers. Sir Thomas

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More, for example, by way of satirizing conditions in the England of his day, depicted a commonwealth where everything was in contrast with the society that Englishmen knew. But he placed his heart's desire in Utopia, not in an earlier period of English history, and thereby gave the world a synonym for impracticable idealism. William Morris, like More, and perhaps with a loftier seriousness, saw visions and dreamed dreams. But medievalist though he was, when he came to describe his ideal England, in which men, happily emancipated from the evils of competitive industrialism, were free to gratify their instinct of workmanship and lived joyously in liberty, equality and fraternity, he turned not to the Middle Ages but to the twenty-first century. His *News from Nowhere* may be an exercise in unwarranted optimism, but it involves no distortion of history. More and Morris, however, do not figure among the world's effective reformers. There was little chance that readers of *Utopia* would organize a communistic revolution. But there actually *was* a communistic uprising in medieval England, and those who took part in it believed that what they aspired to had existed in the past. Their object was not to win a new freedom and equality, but to recover an old. The watchword of the Peasants' Revolt was a pseudo-historical slogan:

> "When Adam delved and Eve span
> Who was then the gentleman?"

Medieval peasants were not given to new-fangled, doctrinaire ideas; they would have had a profound distrust of equality and communism unless they had been persuaded that equality and communism had existed in the good old days.

Even at present, despite the cult of what advertises itself as new, a political or social innovation that is merely rational and expedient is likely to be rejected by "practical" men as visionary. But if it can be made to appear restorative in character, it gains immensely in repute. Nor is it in the least detrimental to the cause of the reform that the gain in popular esteem has been made at the expense of what disinterested historical inquiry would find to be the substantial truth.

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As an instance of reformers' history consider for a moment that most influential chapter of pseudo-history written by the natural-rights school of political philosophy, of which, in England, John Locke was the foremost exponent. This school needed a theory of the origin of human rights and of government with which to refute the doctrine of the divine right of kings, and they went to the past to find historical sanction for their theory. Like most political theorists Locke was essentially a controversialist. His object was to rebut the patriarchal theory of government as expounded by Sir Robert Filmer, who had himself exploited history in the interest of absolute monarchy. Locke's ideas were not original with him. They have a long history. But his formulation of them dominated English political thought for a hundred years, served as the ideological justification of the American Revolution, and exerted profound influence upon liberal thought on the continent of Europe. Here is a summary of what we may call Locke's *historics,* as found in the second of his *Two Treatises of Government.*

To explain the origin of government and political organization, Locke goes back to the "state of nature", which, so he assumed, existed everywhere prior to the establishment of the political state. The state of nature was a state of perfect and complete equality. Its only law was the "law of nature", which was reason, and this taught all men *who consulted it* that since all were equal and independent, "no one ought to harm another in his life, health, liberty or possessions". To these each human being, by virtue of his humanity, had an absolute right by the law of nature. Since the law of nature was reason, its existence could not be doubted by any rational creature. But all men, it seems, were not reasonable; the majority, in fact, were "no strict observers of equity and justice", and the law of nature was constantly violated. Thus, though theoretically every individual in the state of nature had rights equal to those of any other, actually nobody was secure in the enjoyment of his rights. It was this insecurity that led men, says Locke, to establish governments. To quote his words:

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> If man in the state of nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom . . . ? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others . . . This makes him willing to quit a condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name—property.

Men thus united, voluntarily and deliberately, in political associations and established governments by compact and consent for the more efficient enforcement of the law of nature and the securer enjoyment of their natural rights. What happened to the Cains, who had been wont to disregard the law of nature (and we are told that they were in the majority) when the Abels set up their governments, Locke was not obliging enough to explain. Nor did he make it clear how men who had had no experience whatever of government could come to the conclusion that government would be the best means of securing their individual rights. Locke lived before evolution had come to color all thinking about the past, and nothing could be more unevolutionary than his view of the origin of government. Men who were living yesterday in the state of nature decide today to set up a government which shall be, according to their choice, democratic or oligarchic or monarchic. Locke admitted that history "gives us but a very little account of men that lived together in the state of nature," but this circumstance did not weaken his confident belief that the state of nature was the original condition of men everywhere. That there were no records of the state of nature was not strange, for, says Locke, "letters seldom come in amongst a people till a long continuation of civil society has . . . provided for them safety, ease and plenty." In other words, the state of nature, by his own admission, rested upon no positive historical evidence. It was a pure assumption

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and an assumption that is, of course, distinctly not supported by what anthropology has taught us about primitive peoples. Nor is there any better evidence for the social compact. Yet it was from these figments of the imagination, masquerading as historical facts, that Locke deduced all the essentials of his political theory, including the "right of revolution" upon which the Declaration of Independence rests.

Countless examples of reformers' history could be given, but one more must suffice. William Cobbett was throughout his life a devoted friend of the poor, from whom he had sprung. He championed their cause on all occasions, and he passionately desired their well-being and happiness. He believed that their poverty and degradation were distinctly modern, that they had begun with the Reformation. About a hundred years ago he published *A History of the Protestant Reformation,* the object of which, as stated by himself, was to show that the Reformation had "impoverished and degraded the main body of the people." He said, "It is not for the rich and the powerful of my countrymen that I have spoken, but for the poor, the persecuted, the proscribed." Sympathy for those who are unhappy and oppressed is surely an admirable sentiment in a man, but in a historian a bias in favor of the poor is quite as unscientific as a bias against them. What should we think of an ichthyologist who prefaced the results of his researches with a protestation of sympathy for the little fish that are devoured by the big fish? Though he was born and bred a Protestant, Cobbett is the spiritual father of those present-day English Catholic historians who see everything that happened before Henry VIII became infatuated with Anne Boleyn in the rosy radiance of romance. No doubt the pro-Protestant view of history that prevailed in England when Cobbett wrote was equally warped in favor of the Reformation and its results, and it is well that the Protestant interpretation has not passed unchallenged. But no informed and judicious student of English history would be convinced by any evidence which Cobbett adduces that pre-Reformation England was such a poor man's Paradise as he imagined.

Men who seek to mold the world nearer to their hearts'

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desire find comfort and support in the belief that their ideal was once a reality. This belief makes the ideal seem attainable. For the most part they do not consciously tamper with history, they merely interpret it to suit their needs. In doing so they act in good faith, unaware of "the infusion which the mind receives from will and desire." Belief in a golden age has haunted all mankind. When the perplexed Israelite asked the angel why the olden times were better than the new, the angel did not dispute the fact, though he rebuked the questioner for his curiosity. "Ask not the cause", he replied, "Thou dost not inquire wisely concerning this." If the angel had been a psychologist, he might have suggested that the golden age was a myth, and the belief in it a case of historical "rationalization". Like so many others, this belief is not based upon evidence. It results, rather, from the desire to improve present conditions; it is a product of the spirit of reform. If all men had always been satisfied and happy, the world would never have heard of the good old days.

A word of caution should perhaps be added. Many a historical system has crumbled and fallen, like the Ptolemaic cosmogony. But such systems were not, of course, the less influential in their day because we now know that they rested upon foundations of error. The student of primitive man does well to forget all about Locke's historical construction, but for the student of eighteenth-century political thought it is a matter of prime importance. The historically minded never look with contempt upon a past opinion which was once generally accepted, because it is rejected today. As William A. Dunning said, in a thoughtful and eloquent address on "Truth in History", "The realities of the past will never be scientifically apprehended so long as the student of history stands contemplating in a stupor of admiration the reversals of ancient beliefs effected in our own age. Contempt for those who lacked our light is the worst of equipments for understanding their deeds."

"Our light"—this phrase brings us to the last of our three historical idols, the most difficult of all to deal with because it is so deeply embedded in our habits of thought that it will

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color all our thinking about the past unless we strive vigilantly to guard against it. Mere consciousness of its existence in our minds, moreover, will not be sufficient to banish it. Perhaps it is the last enemy of scientific history to be overcome. I speak of it with diffidence, because it is cherished as a *desideratum* not only by the Philistines, who believe that history should be "practical", but by many of our historical *illuminati* as well. Let us call it the idol of present-mindedness.

The roots of the present lie deep in the past, as Stubbs observed, and it is a commonplace that we cannot understand the present apart from its antecedents. The historical approach to the study of present-day conditions and problems has been powerfully stimulated by our general acceptance of the evolutionary point of view. James Harvey Robinson goes so far as to say that "there is no branch of knowledge now that does not rely upon the genetic method of discovery and explanation". A quarter of a century ago, he tells us, "the writer of an historical manual was not expected to say much of his own time. Indeed he could allow his tale to peter out somewhere in the 'seventies. The past seemed one thing, the present another. We were supposed to know about the present and needed only to be told about what happened before we were born. There was little inclination to bring the two sets of information together. After the war, as textbook writers know, a general demand was made that all accounts of recent times should be posted like a ledger. In 1929 a copyright obtained in 1925 suggests an antiquated work. Authors must *seem* to be only a few months in arrears". I don't know whether this word "seem" in the last sentence was intended ironically or not, but that is an aside.

Now if we investigate any subject with an ulterior object, with the primary aim, that is, of finding out about something other than the subject itself, or in order to put the knowledge acquired to some further use, we investigate it in a spirit and with a motive different from those that characterize the inquiry of the pure scientist, whose researches are inspired by what Thorstein Veblen called "idle curiosity", and whose highest satisfaction is to graze in "the pastures of wonder", to borrow

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the happy metaphor of Cassius J. Keyser. If the end in view is legitimate, investigation of this character is not illegitimate. It is often indispensable for the attainment of desirable ulterior objects. A little reflection will remind us that by far the greater part of learning is, and always has been, motivated by considerations that may be called, broadly speaking, utilitarian rather than purely scientific. If human destiny *could* be read in the conjunctions of the constellations, there would be chairs of astrology today in all our universities, and properly so, if we agree that applied science belongs in the university. Astrology became absurd only when and because its basic premise collapsed.

But we distinguish in the organization of our universities between pure science, on the one hand, and applied science or technology, on the other. The animating spirit in a school of pure science is, or ought to be, disinterested curiosity, while the dominant motive in the pursuit of technological training is utilitarian. The pure chemist and the industrial chemist look upon chemistry from different points of view. A mathematical discovery which to all appearances is entirely useless from the technological standpoint may mark an epoch in the history of mathematics. The motives which inspired Faraday and Clerk Maxwell were different from those which actuated Marconi, whose accomplishments, as it happens, were made possible by their researches. If we had professors of astrology today, these extraordinarily useful experts would be lecturing in crowded classrooms and would, no doubt, find it easy to supplement their academic salaries by lucrative private practice, but their chairs would belong elsewhere than in schools of pure science.

If we study the past not for its own sake, but for the light that it may throw on the present, our attitude toward history is technological and utilitarian, not scientific and disinterested. Historic events and conditions become for us tools, means to an end, not the end itself. It may be assumed that as men and citizens we are all interested, in varying degrees, in what is going on around us, and our curiosity regarding this present situation often leads us to inquire into its antecedents. But our

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inquiry, so long as it pursues this aim and is guided by this objective, is clearly inspired by an ulterior motive. This is not to deny—it is, rather, to affirm—that such inquiry is, or may be, exceedingly useful, contributing to a better understanding of the present. But what about an understanding of the past?

Viewed as an attitude from which to approach the past, present-mindedness appears to me in the light of a Baconian idol. The engineer, fortunately, can study mathematics without distorting it, but the "current eventist" never studies the past without distorting it. I know that eminent names in large number can be brought into court to testify against this opinion. It is the fashion at present—it has not always been so—to decry historical research which makes no claim to explain the present as "mere antiquarianism", and this expression is always used nowadays with an inflection of contempt. I think this is altogether unfortunate, for I believe that the "mere antiquarians" are far more scientific in their attitude toward history than the "current eventists", and as a friend of these much despised persons I am anxious to give them as good a name as possible. I submit that there is no reason at all why the historian, considered as such, should be concerned with what is going on around him. If, for example, a historian of the medieval English parliament knew nothing of the history of parliament since, say, 1689, would he for that reason be in a less favorable position for investigating its beginnings than if his head were full of nineteenth-century reform bills and the present-day cabinet system? I think not. Perhaps he would be in a more favorable position, for he would be less likely to be led astray by modern developments. As a distinguished student of the records of early parliaments says, "parliaments in their infancy were much that parliament today is not, and little that it is". This fact, and with it the perils of present-mindedness, were clearly appreciated by the seventeenth-century English antiquary, Sir Henry Spelman, who began an historical work on parliament with these wise words: "When states are departed from their original Constitution, and that original by tract of time worn out of

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Memory; the succeeding Ages viewing what is past by the present, conceive the former to have been like to that they live in; and framing thereupon erroneous propositions, do likewise make thereon erroneous Inferences and Conclusions". Spelman lived long before men had begun to talk about scientific history, but he had at least a lively realization of one pregnant source of unscientific history. A really great medievalist, the late Professor T. F. Tout, sagely observed that "our natural absorption in the present has led us to study the past with minds too much set on present presuppositions. We seek in the middle ages what seems important to ourselves, not what was important to them."

If an illustration of present-mindedness run riot is desired, it may be found in the study of history in the schools of Soviet Russia. The following quotation is from Samuel N. Harper's recent book, *Civic Training in Soviet Russia:*

> The Communists say that the old school sacrificed the present as a deliberate policy; they admit that they are sacrificing the past, since the present day is more important in view of the developing of the revolutionary struggle. To make clear that present-day culture is the last attainment of human history in all fields, the text-books and programs compare it with primitive and intervening cultures. But the emphasis must be on such themes as the industrial revolution, the bourgeois and proletarian orders, or socialism as the ideology of the proletariat. The Orient, Ancient Greece, the Roman Empire, the Middle Ages, the Reformation, Humanism, Russia of the Kiev period, Novgorod Russia—all these fields must be passed over except as sources from which to draw examples and illustrations. . . . The text books prepared for these courses are all written from the Marxian point of view.

One of the most historically minded historians with whose writings I am acquainted is F. W. Maitland. Any "current eventist" who thinks that his own approach to history is scientific would do well to steep himself in Maitland's works, for this great scholar was vividly aware that the ideas and customs and institutions of an age can be apprehended only in the light of the thought of that age, and that they have often

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been grossly distorted by the thought of later ages. In discussing the conception of ownership of land in medieval English towns, to cite an instance of his historical-mindedness, he gives this sage caution: "We shall have to think away distinctions which seem to us as clear as the sunshine; we must think ourselves back into a twilight. This we must do, not in a haphazard fashion, but of set purpose, knowing what we are doing". And in an essay that was the starting-point in the scientific study of early English parliaments he says: "It is hard to think away out of our heads a history which has long lain in a remote past but which once lay in the future".

Present-mindedness causes us to see the past through the distorting medium created by our own standards and presuppositions. Among past events we pick and choose what *seems significant to us rather than what seemed significant to* contemporaries. We attribute motives that seem normal to us to men who would not have been moved by them, and we interpret their acts and thoughts by criteria that would have been unintelligible to them. But *can* we know the past as it was? Can we, for example, appreciate the ideas of justice entertained by men who were satisfied with compurgation and ordeal as means of ascertaining guilt or innocence? Even though we cannot do so fully, the historically minded will aspire to do so and will not be discouraged because they do not reach the goal. No true ideal is ever attained, but "a man's reach should exceed his grasp, or what's a heaven for?"

We are the heirs of all the ages. Yes, but let us not fall into the naïve error of thinking that the ages existed for the heirs. Historical occurrences—what men have done and thought and felt—had a validity of their own. They did not happen merely in order to be antecedents, to lead up to us. We are not final in time any more than we are central in space. It has been said that our earth and its inhabitants are but a bit of star gone wrong. It would be much more sensible to think so than to mistake ourselves for that "one far-off divine event, to which the whole creation moves".

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SUN YAT-SEN AND MAURICE WILLIAM

THE originality in Dr. Sun Yat-sen's teachings, the unique peculiarity which marked them out from those of any other nation or revolutionary movement, lay in the fact that he combined into a single doctrine three principles which do not easily harmonize and yet represent the three dominant forces in the modern world. These are nationalism, democracy and a third principle which he termed "Livelihood". This is apparently not a good translation of the Chinese term, but comes nearest to it. The first two principles present no difficulties to the Western reader; but the third of the three interlocking principles of the Chinese revolution has no exact parallel in Western thinking and therefore no single term exactly covers it. In Sun Yat-sen's early writings he frequently identified it with socialism, because that was the nearest approach among Western nations to the social reform movement which he had in mind, namely a thoroughgoing protest against exploitation of the poor by the rich, of labor by capital. Now the chief contribution of Sun Yat sen lay not in the analysis of each of these principles but in the synthesis which grouped them into a single doctrine. The Western nations had linked the first two together from the days of the American or the French revolution, but socialism came into the world as a revolt against nationalism. It was also a suspicious rival of nationalist democracy. The task of harmonizing these historically allied principles of nationalism and democracy with a principle apparently hostile to them and welding them all into a single trilogy was Sun Yat-sen's contribution to political thought of the modern world as well as the thought of China. It was, however, forced upon Sun Yat-sen by the situation of China itself. The building of factories and railways was as much a part of his program of the modernization of the country as the erection of a republican form of government or the recovery of full territorial rights from foreign nations. Indeed in his program drawn up just

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after the war, economics seems to prevail over political problems. He had the vision of China rapidly taking the leadership of the world of science and industry, avoiding the blunderings and mistakes from which Western nations have suffered in the course of their evolution. He looked for China, with its vastness of resources and of man-power, to become supreme in the modern age, leaving Europe ultimately far behind. It was a vast and magnificent faith, but it called for a solution of China's internal, social and economic problems along with its assertion of nationalist independence of the rest of the world. Now this internal question of social justice had been stated in the West in terms of socialistic doctrines which were not only contrary to the historical development of China, but were singularly foreign to Chinese ways of thinking. On the one hand, therefore, he had to fit in Karl Marx with Bismarck and Lincoln; on the other hand he had to face squarely the issue of communism in China.

This fundamental problem came to a head in the final statement of Dr. Sun's philosophy which has become the secular bible of the Chinese Republic, the Three Principles, or *San Min Chu I,* a volume compiled from notes of lectures delivered in the year 1924. Now, strange as it may seem, the solution which Dr. Sun accepted and incorporated in his text in the section on the third principle, that of "Livelihood", was phrased by an American thinker whose work remains almost entirely unknown in his own country and whose contribution to China itself has so far been recognized only in a single reference of Dr. Sun Yat-sen and a one-line footnote by the editor of Dr. Sun's text. Of all the strange chapters in the history of East and West there can be none stranger than this, that the founder of the Chinese republic and the spiritual leader of the new China found in the writing of an unknown American author so clear a statement of the solution of the hardest problem in his political philosophy that he made the American formulation his own. The book in question is *The Social Interpretation of History* and its author Dr. Maurice William of New York City. It was written just after the close of the world war and was known to few outside of the socialist

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circles in which Dr. William then moved and to which the book was addressed. One can hardly imagine anything less likely to appeal to the post-war reading public in America than an essay by a socialist criticizing Karl Marx's theory of the class war. Even inside the Socialist Party the author wrote as a mere private in the ranks, "a Jimmy Higgins" as he humorously called himself, who was, however, already a veteran in the socialist service, having been an active socialist for twenty-five years. Under the best of conditions his criticism of orthodox socialist theory would have little interest for the American public, but there was still less chance for it in the first years following the war when the socialist movement in America was at its lowest ebb and the shattered structure of the capitalist world seemed to have begun an almost miraculous reconstruction. In any case the essay remained obscure and relatively unknown even to students of the social sciences.

Somehow or other, however, it reached Dr. Sun Yat-sen in the critical year 1924 just as he was formulating his Three Principles in the lectures at Shanghai; and, with a quickness of perception which marks great leadership, Dr. Sun saw at once in the arguments of Dr. William a confirmation of his own innate tendencies with reference to socialism, for which he had hitherto found no statement in terms of logical and systematic reasoning. Dr. William supplied him with a conception of socialism which renounced the class war as historically and economically false, and in the text of the *San Min Chu I* whole passages of Dr. William's book were embodied *en bloc*. Dr. Sun himself gave credit to Dr. William for his use of his material although it was so embedded in the structure of Dr. Sun's text that it is only by a careful comparison of the two that one can realize the full extent of citation. A footnote in the first edition of the English translation gave the reference wrongly to Mr. Whiting Williams. In the second edition, however, Mr. L. T. Chen, the editor, has corrected both text and footnote to give the credit to Dr. Maurice William, and is authority for the statement that Dr. Sun kept Dr. William's volume constantly with him from the time when he became acquainted with it. How the American treatise

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came into Dr. Sun's hands has not yet been explained; but he was a thorough scholar, well read in economics and politics and had a library richly stocked with the literature of these subjects. However it came about, the reading of *The Social Interpretation of History* by Dr. Sun Yat-sen may yet turn out to have been one of the most important single incidents in the history of Modern Asia, for the consequences were immediate and far-reaching and have only just begun to show their full extent in the orientation of China.

This may seem like an extravagant statement and yet it seems amply justified by a study of the facts in the case. It would be equally true, whether the American treatise converted Sun Yat-sen from Marxian orthodox socialism to a denial of its fundamental principle, as some have claimed, or whether, as seems to me the case, it furnished him with a justification for his own doubts as to the theory of the class war, and offered him a better statement than he had yet worked out of the application of his own philosophy. In either case the fact remains that in August 1924 Dr. Sun gave the third of his Three Principles, that which deals with social reform, in the terms set forth by Dr. William. To catch the full importance of this we must recall that the first phase of the Chinese republican movement had, through no fault of its own, become deeply involved with Russian communism. The help which Dr. Sun had vainly sought from the capitalist nations came freely and efficiently from Moscow. It required more than an ordinary act of courage for the leader of the revolution at a time that was still critical to come out frankly and fearlessly in contradiction to the militant philosophy of the one section of the Western world which was ready to support whole-heartedly the movement for Chinese emancipation from Western exploitation. Nevertheless this was just what Dr. Sun did in the shaping of the doctrine for republican China. Although in his earlier writings there were passages which might be interpreted as socialist in the orthodox sense, and at the moment he sorely needed the practical help which the Soviets were offering, yet questions of expediency were boldly set aside in the framing of his gospel of social reform.

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The American critic of Karl Marx and not Marx himself furnished the text in which he shaped his own individual thinking and so set the course of the new China definitely away from communism.

This at least is the way it looks to anyone who studies both the situation in China in 1924 and the text of Sun Yat-sen's Three Principles. But the situation as it exists today is much more complicated than this historic incident, for some of the early associates of Sun Yat-sen do not accept any such interpretation of his thinking. To some of them at least the protest against exploitation by capitalism, both foreign and native, means that class warfare must still be made on Marxian terms. The division therefore between the left wing of the republican movement in the Kuomintang and the middle class leadership of the government in Nanking finds its doctrinal center in the interpretation of these few pages of Sun Yat-sen's Third Principle which were based upon or quoted from Dr. William's book. The important question for both present-day China and for future history is the interpretation of these few passages. What effect did Dr. William's book have upon Dr. Sun Yat-sen's mind and how much is the Chinese Republic to base its social philosophy upon these passages alone? To attempt to answer these questions is to venture greatly, for the writings of Dr. Sun Yat-sen and the record of his speeches have become almost like sacred books within a canon, which impedes the acceptance of critical analysis. In addition, an oral tradition like that of early Christianity has already grown up among the disciples of the lost leader, in the light of which the texts are interpreted. Under these circumstances it is certainly taking risks for a mere outsider, familiar only with translations, to attempt the task of higher criticism. But while the Western student of Sun Yat-sen may fail to appreciate the bearings of Dr. Sun's philosophy upon Chinese habits of thought, he may on the other hand detect more readily the different strains of thought which are drawn from Western sources. There are few problems in the political thinking of today more important or more compelling than this one. It would be a mistake to conceive of it merely in terms of perso-

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nalities. Behind both Dr. Sun and Dr. William lay two conditioning forces, China and America, as the England of the Industrial Revolution lay behind the philosophy of Marx. Viewed from this angle, the acceptance of William's text in the *San Min Chu I* is itself a justification of his theory of the social interpretation of history. That theory discovers the clue to the movements of politics, not in a class warfare of producers against exploiters, but in the dominant needs of the whole social body, that is to say, of the mass of the consumers. Socialism, in Dr. William's eyes, is not the emancipation of a single class but the achievement of social justice for all. The democratic state, therefore, is the proper home for social evolution; for it is by evolution and not by revolution that the old injustices will be got rid of. The process, as he sees it, is fundamentally political and cannot be left to economic forces alone. The consumers must unite politically and if they do, since they form the whole body politic, we shall "witness not a class struggle, not a civic war, nor one portion of the people against the other but a common united movement composed of every useful member of society using its organized power through the State against a class—the profit-making class" (page 195 of the *Social Interpretation of History*).

Now here was a statement, clear-cut and forceful, of a philosophy of social welfare as thoroughgoing and far-reaching as orthodox socialism but avoiding the revolutionary attack upon the state which played so large a part in Karl Marx's scheme. In his denial that the proletariat must emancipate itself by overturning the capitalistic state, Dr. William was giving expression to the experience of America, where the emancipation is taking place within the state itself. This was also the process which Dr. Sun envisaged for China, and so the principle of "Livelihood" was definitely substituted for that of socialism or communism, which had been loosely used by Dr. Sun as synonyms for his Third Principle before he had read Dr. William's book. Viewed in this light we have not merely the meeting of two minds but of two civilizations: the American and the Chinese. In both cases the consumer rather than the producer is the determining element. This, of course,

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would be news to many in America, where the capitalistic argument for protective tariffs has so completely subordinated the interests of the consumer to the producer. Nevertheless the fact remains that Dr. William's philosophy was another facet of that fundamental principle of which Mr. Henry Ford has been the most outstanding apostle in recent days, namely, that the motive force in society is the pressure exerted by the mass of those who would make their own the products of nature and industry, that is to say, the great consuming public. Whereas Karl Marx, writing from the environment of the new factories in the early days of the Industrial Revolution, concentrated his attention upon the workers whom the machines were displacing and made production the center of his philosophy, Dr. William turns the tables the other way round and concentrates upon the consumer. It is easy to see how such a reversion of the Karl Marx theory would appeal to a Chinese social reformer, for his main problem was to improve the lot of the mass of the Chinese people, a people upon the whole so pitiably poor and so continually exploited. The industrial workers, whose fate stirred the pity and indignation of Karl Marx, form only a very small fraction of the vast population of China. Even if, as Dr. Sun proposed, the industrial process should substantially repeat that of the West, nevertheless the basis of the social problem remained in his eyes the betterment of the great mass of the consumers.

Stated in these terms "socialism" can be made to harmonize with nationalism and democracy. The exploiter against whom one should be especially on guard is the same as nationalism recognized for its enemy, that is, the foreign capitalist, exploiting Chinese, whether laborers or consumers. Nationalism, therefore, is not a conservative doctrine opposed to the radical tendencies of socialism, as in the West, but fits in with Dr. William's brand of socialism which puts the accent on achieving justice for the whole social body instead of for the industrial worker alone through a class warfare.

Unfortunately this last phase of Dr. Sun Yat-sen's thinking is not readily intelligible to those who think in the doctrinaire formulae of either nationalism or socialism. It is a compre-

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hensive, unifying conception which finally stands out like a modern restatement of the old teaching of Confucius that mankind is one great family and the state itself a sort of family organization on a smaller scale. In such a conception there is no real place for the Marxian theory of a class war; but it can make its own the formulation of those socialist ideals of economic justice for the common man which have an equal appeal in America and China. It would seem that the time has come to recognize the mediating work of Dr. William, which Dr. Sun Yat-sen himself recognized in the *San Min Chu I*. How great the service which he rendered, only history will show.

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POLITICAL RELATIONS OF GREAT BRITAIN WITH MOROCCO, FROM 1830 TO 1841

"YOUR NATION", wrote the Sultan of Morocco to King George IV in 1830, "is the most favoured of all and your esteem by us is the highest beyond measure. . . . Our Blessed Ancestors always gave precedence and preference to your Nation, and allotted to you the highest rank in their consideration for constancy and sincerity. And thus we are, by the Grace of God, following their footsteps and guided by the light of their wisdom."

Such was one of the many expressions of regard for Great Britain which are scattered through the communications of the Moorish officials with British diplomatic officers. The actual record of British relations with Morocco scarcely bears out the resounding phrases of the Sultan, who in the desire to be courteous departed somewhat from strict accuracy. Yet it was generally the policy of the Moorish authorities to maintain relatively good relations with Great Britain, and the British did not fail to profit by Moorish "friendship".

English merchants established commercial relations with the Empire of Morocco shortly after the middle of the sixteenth century, and in 1585 the control over this trade was granted for twelve years to a chartered company. Commerce led to diplomatic intercourse, and embassies sent by Queen Elizabeth obtained from the Sultan promises of fair treatment for British subjects in his dominions.[1] There seemed to be every probability of the early opening of Morocco to intercourse and trade on a large scale; but the series of civil wars which broke out on the death of the able Sultan Ahmed el-Mansour in 1603 and the great increase of licensed piracy following the immigration of the Moriscos from Spain, hindered and at times suspended all peaceful relations with Europe.[2]

[1] Cheyney, *History of England, from the Defeat of the Armada to the Death of Elizabeth*, vol. I, pp. 407 *et seq.*

[2] Masson, *Histoire des établissements et du commerce français dans l'Afrique barbaresque* (Paris, 1903), pp. 66, 67, 84, 94.

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During the English occupation of Tangier from 1662 to 1684 there was constant friction and sometimes actual warfare with the Moors, but in the course of the great wars with France at the close of the seventeenth and beginning of the eighteenth century, the English established advantageous commercial connections with Morocco.[1] The Sultan expressed his willingness to assist Queen Anne in "her glorious design of favouring the just claims of the House of Austria to the Crown of Spain,"[2] and the British received substantial aid from the Moors in the siege and capture of Gibraltar in 1704. The acquisition of this stronghold led to the growth of economic relations which were of much mutual benefit. The garrison of Gibraltar and the crews of the ships stationed there came to depend for a large part of their supplies of food, especially fresh meat and vegetables, on shipments from the northern provinces of Morocco, and the inhabitants of these provinces found in Gibraltar the most profitable market for their produce.[3] This trade was frequently interrupted. For example, in 1780, during the great siege of Gibraltar by the French and Spanish, the garrison suddenly found itself deprived of all provisions from Morocco. The Sultan had been bought by the Spaniards![4] But the interruption of the trade was so injurious to both parties that the old relations were soon resumed.

The Sultan Mulai Yezid, during his brief reign (1790-1793), showed marked favor toward the British. This sovereign, wrote the governor of Mogador to the British Consul, "professes the greatest friendship for your nation, the same as did his father, who is now in Paradise, and with the help of God still much more; and that he will always look upon you with the highest esteem".[5]

[1] Xavier Lecureul, in *Archives Marocaines,* vol. XV, p. 43.

[2] Spencer, Tetuan, 25 June 1703, to Rook (Public Record Office, S.P. 71/15).

[3] Drinkwater, *History of the Siege of Gibraltar* (London, 1871), p. 19; Methuen to Hedges, 6 July 1705 (Public Record Office, S.P. 71/15); Matra to Colonial Office, 31 October 1789 (Public Record Office, F.O. 52/8).

[4] Sayer, *History of Gibraltar* (London, 1862), pp. 280, 306, 307, 340, 341; Mahon, *History of England, 1713-1783,* vol. II, pp. 188 *et seq.*

[5] The governor of Mogador to Matra, 27 Mar. 1792; enclosure in Matra's No. 11, 15 Apr. 1792 (Public Record Office, F.O. 52/10).

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During the wars growing out of the French Revolution, the British sought to maintain the favor of the Moorish government in order to keep up the export of provisions from Morocco to Gibraltar and to the British fleet. On the whole they were fairly successful, despite the activities of their enemies.[1] As the struggle became more intense, the British increased their efforts to maintain close relations with Morocco. Lord Nelson was instructed to carry a present to the Sultan; the Consul General was directed to represent to the Moorish authorities the disinterested character of British policy toward Mohammedan countries and to keep a close eye on the machinations of the French.[2] These efforts appear to have been successful. "The French and Spaniards are disliked throughout the kingdom", wrote Consul Green in 1808, "while the English are spoken of by the common people in terms of friendship. They look to us for protection by sea, believing that the French will invade Barbary."[3] In 1808 the Sultan's Chief Minister of State condemned the French Emperor as "the great delinquent, who is employed in injuring all the servants of God. (May God curse him!)"[4] The Sultan, in return for supplies of ordnance and other munitions of war, allowed the export from his dominions of fresh beef, grain, vegetables, mules and horses, for the garrison in Gibraltar, for the British naval force in the Mediterranean, and for the allied troops in Cadiz and in Portugal.[5] Indeed the British for a time occupied as

[1] Portland to Matra, secret and confidential, 17 Aug. 1796; Matra to Portland, 21 Nov. 1795; 5 Mar. 1796; 3 Apr. 1797; 6 June 1797; 20 July 1797; 17 Apr. 1798; 3 Aug. 1798 (F.O. 52/11).

[2] Matra to Colonial Office No. 13, 6 Oct. 1798 (F.O. 52/11); Colonial Office to Matra, 18 July 1801 (F.O. 8/5); Castlereagh to Matra, 14 Sept. 1805 (F.O. 8/5).

[3] Green to Colonial Office No. 5, 26 Apr. 1808 (F.O. 52/13). "This belief" [the likelihood of French invasion], continued the Consul, "I have caused to circulate very freely not only with the Emperor and the Bashaw, but on all occasions which opportunity offers to send it abroad among the Arabs."

[4] Letter to Admiral Collingwood, 29 June 1808, enclosure in Green's despatch to Colonial Office, 4 July 1808. See also Green to Colonial Office, 3 Sept. 1808 (F.O. 52/13).

[5] Portland to Matra, 20 Jan. 1801 (F.O. 8/5); Green to Colonial Office, 8 Apr. 1806; No. 7, 11 Jan. 1809; No. 5, 20 Apr. 1809; 23 Aug. 1809; 17 Jul.

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a naval base an island in the Straits of Gibraltar near Ceuta.[1]

For several years after the war nothing occurred to disturb seriously the relations of the two countries. In 1818 the Sultan formally abolished the practice of commissioning vessels to prey on European shipping. Some British ships, it is true, were attacked by the Moors; but because of the disturbed state of the country, the British were not inclined to place the responsibility for these attacks on the Sultan, Mulai Solyman, "a mild, humane character . . . with much of the gentleman in his address", who, in the opinion of his subjects, was "fitter for heaven than to govern a nation".[2] In fact the only important difficulty between the two governments during this period occurred in 1828 during the reign of Mulai Abd el-Rahman (Mulai Solyman's successor), when an attempt was made to revive the practice of licensed piracy, and the British went so far as to blockade Tangier in order to force the Moors to abandon their designs.[3]

The year 1830 has, for several reasons, been selected as the point from which to begin a more detailed survey of the development of British-Moroccan political relations. In the first place, this year marks the beginning of Lord Palmerston's administration of the Foreign Office, which was to last, with a brief interval, until 1841. In the same year the "bourgeois" monarchy of Louis Philippe was established in France. Moreover, only a few weeks before the accession of Louis Philippe, the French had begun the conquest of Algeria, which, as will be explained, was to change completely the character of the foreign relations of Morocco.[4] Furthermore, at about this time the Mediterranean began to occupy a larger

1810 (F.O. 52/13 and 14). Note also following reports from the American Agency at Tangier: Simpson to Department of State, 24 Dec. 1802; 21 Feb. 1811; 8 March 1814.

[1] Green to Castlereagh, 11 Mar. 1808 (F.O. 52/13); Maura, *La Question du Maroc au point de vue espagnol*, pp. 11, 12.

[2] Douglas to Colonial Office, 26 Apr. 1822 (F.O. 52/23).

[3] Précis of correspondence relating to this incident in F.O. 52/30, 1828; see also Douglas to the Colonial Office, 5 and 14 Jan. 1829 (F.O. 52/31).

[4] *Infra*, p. 36.

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place in the British scheme of things, and this magnified the importance of Morocco as the guardian of the southern shore of the straits which formed the western entrance into that sea.[1]

The new era opened with new demonstrations of Moorish friendship for Great Britain. Even before the difficulties growing out of the blockade of Tangier had been settled, the Sultan had professed an eager desire to restore normal relations with Great Britain, a nation which he "held in more respect than any of the others."[2] The new British Agent and Consul General, Mr. Edward Drummond Hay, was received with unusual attention by the Moorish authorities at Tangier, was cordially welcomed by the Emperor on his visit to the court, and was presented with a very friendly letter for King George.[3]

There were, however, several serious points of friction in the relations of the two countries. British exports of "long cloths" into Morocco were hampered by restrictions, British merchants dealing in Moroccan wool were worried by threats of embargoes, and the treaty rights of British subjects were violated. The British Agent and Consul General was insulted, a whole family of British citizens, the Estericos, were barbarously murdered, and the foreign residents of Tangier complained that their lives were not safe. British ships which happened to be cast ashore on the coast of Morocco were plundered and the crews mistreated; such depredations were most frequent along the Mediterranean coast, where the hardy Riffians made a regular business of piracy, and attained great skill in seizing any ships that approached too near their shores, sometimes not only plundering the ships but murdering the crews to prevent detection of their crimes.

It can be readily understood, therefore, that the harassed Agent of Great Britain found it a difficult matter to maintain the rights and uphold the dignity of his country. In his communications with the Moorish government he frequently

[1] *Infra*, pp. 54-55.

[2] Letter to Douglas, 30 Nov. 1828, enclosure in Douglas's No. 35, 24 Dec. 1828 (F.O. 52/30).

[3] Hay to Colonial Office, 27 Aug. 1829, 16 Feb. 1830 (F.O. 52/31). For extract from this letter, *cf. supra*, p.

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indulged in strong language. Indeed in 1834, after an especially outrageous exploit on the part of the pirates, he sent to the Sultan "an epistle of so rare a character, that the scribe shed tears and trembled at putting the words on paper and addressed to the Sultan which he seemed to fear might cost him a hand at least."[1] As a rule, however, the British Agent was forced to refrain from upbraiding the Moorish authorities, since he recognized that his government was "very unwilling to expostulate with the Sultan of Morocco in a tone of reprehension and thus risk the possibility of exasperating him and his people". For the "friendly deportment" of the Moors was held to be "of essential importance" to the British.[2]

The explanation of this attitude on the part of the British government may perhaps be found in the new developments in French policy in North Africa. Before the French had begun their conquests in Algeria, the ministers of Charles X had given to the British Foreign Secretary what were taken to be assurances that no permanent occupation would be established in the country except with the consent of the other powers.[3] The government of Louis Philippe, when it succeeded to that of Charles X, professed its intention of adhering to all the promises made by its predecessors.[4] But as time passed, it became evident that the French were determined to stay in Algeria whatever might be the opinions of the other powers. Great Britain could ill afford to quarrel with France at this time;[5] consequently the British diplomatic officers, while not admitting the legality of the French occupation, maintained

[1] Hay to Colonial Office, confidential, 7 Oct. 1834 (Archives of British Legation at Tangier). The scribe's fear was so great that he sought sanctuary at the tomb of Mulai Abd Selam, two days' journey from Tangier, and returned to the city only at the insistence of his wife.

[2] Hay to Colonial Office, 2 Oct. 1833 and 5 Mar. 1836; see also Hay to Colonial Office, confidential, July, 1831 (Archives of British Legation at Tangier).

[3] Hoskins, *British Routes to India* (N. Y. and London, 1928), pp. 139, 140.

[4] Granville to Palmerston, No. 140, 24 June 1833.

[5] Laval to Polignac, 17 May 1830, referred to in J. E. Swain, "The Struggle for the Control of the Mediterranean" (unpublished monograph), ch. v; Guizot to Bugeaud, 24 April 1846, Guizot, *Mémoires*, vol. VII, p. 217; Lavisse, *Histoire de France contemporaine*, vol. V, p. 273.

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the strictest silence on the subject, though it would appear that they kept it always in their hearts.[1]

The British government, however, adopted a very different attitude regarding any possible French expansion in North Africa beyond the borders of Algeria. In 1836 a French fleet was sent to the neighborhood of Tunis with the design of preventing what appeared to be an attempt on the part of Turkey to regain the effective control over that regency which had been in abeyance for a long period of years. Lord Palmerston at once asked for explanations from the French government on the ground that the designs attributed to France involved an attempt to exercise sovereign rights over Tunis. His government had no desire, he declared, of opposing French expansion in Algeria, but he had to ask for assurances that this expansion would not be extended beyond the border of that country. The French Ambassador, having consulted his government, gave Palmerston the assurances desired, affirming in the most positive way that France had no intention of conquering Tunis, Tripoli or Morocco.[2]

The question again arose in the latter part of 1837 upon the occasion of the conquest by French troops of the province of Constantine in the eastern part of Algeria. It was reported that the French authorities planned to place this province under the suzerainty of the Bey of Tunis, who in turn would pay tribute to France. Palmerston at once took alarm. The proposed scheme, he declared to the French Ambassador,

[1] Serres, *La Politique turque en Afrique du Nord* (Paris, 1925), pp. 67-69; Cowley to Aberdeen, secret and confidential, 21 March 1842 (F.O. 27/648).

[2] The interviews between Palmerston and the French Ambassador took place on 29 July and 9 August, 1836. Palmerston's account of them is given in his dispatch No. 178 of 1 November 1836, to the British Ambassador at Paris (F.O. 27/578). The accounts of the French Chargé d'Affaires (Bourqueney to the Minister of Foreign Affairs, No. 65, 29 July, No. 27, 9 August 1836) are doubtless more accurate, since they were written immediately after the interviews took place. In Bourqueney's account he states that he informed Palmerston that the French government "ne songeait à conquerir ni Tunis, ni Tripoli, ni Tanger". Obviously, however, the assurances regarding Tangier are meant to apply to the whole of Morocco and it is in this sense that Palmerston understood them ("France had no intention of pushing her conquests beyond the Regency of Algiers, either westward towards Morocco or eastward into the territory of Tunis").

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would involve an unwarrantable intervention in the affairs of Tunis, and while he renewed his promise that any action taken by the French affecting only Algeria would receive no opposition from the British Foreign Office, he did so under the condition that "the territories of Tunis and of Morocco and the independence of their governments should remain intact, and should not be subjected to any interference" on the part of the French.[1] The desired assurances in regard to Morocco and Tunis were given freely by the French government.

On February 13, 1838, a question was asked in the House of Commons regarding French policy in North Africa, and in reply Lord Palmerston disclosed to the House and to the world the fact that he had received from the French "the strongest assurances that no aggression would be made by them" upon either Tunis or Morocco.[2]

In the meantime, Palmerston had sent to the French government a note in which he appeared to question the right of the French to hold Algeria. The French Foreign Minister, somewhat nettled by this apparent repudiation of Palmerston's previous statements, asserted in the most emphatic manner the determination of France to maintain what she had already conquered, but reaffirmed his previous declarations regarding Tunis and Morocco. It is particularly significant that he referred to these declarations as "*promesses*" and as "*assurances que nous avons officiellement données.*"[3]

The activity which Palmerston exhibited in obtaining from France these "promises" and "assurances" might appear at first glance to have been somewhat superfluous, at least so far as Morocco was concerned. But, in the years just before and during the great international crises of 1839-1841, French policy was characterized by a restless energy in many parts

[1] Sebastiani to Molé, No. 103, 23 November 1837 (Affaires Étrangères, Angleterre).

[2] 40 Hansard, Third Series, 1058.

[3] Molé to Sebastiani, No. 7, 22 February 1838 (Affaires Étrangères, Angleterre). Palmerston in replying to this note disclaimed any intention of repudiating or even qualifying his previous declaration regarding French enterprises in Algeria, provided France "did not change the limits of its conquest". Sebastiani to Molé, No. 17, 28 February 1838 (Affaires Étrangères, Angleterre).

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of the world which aroused in British observers the greatest alarm and suspicion. In the Pacific islands, the French were seizing every opportunity to extend their influence.[1] In one of these islands, Tahiti, there was already developing the situation which was to lead to the great controversy over the Pritchard affair in 1844. In Argentina, the French blockade of Buenos Aires seemed a serious blow to the commercial interests of Great Britain.[2] In Mesopotamia, Persia, and even in India, the activities of French agents were arousing the apprehensions of the British.[3] But it was in the Levant that French policy seemed most dangerous to British interests. Here Mehemet Ali, the Viceroy of Egypt, having made himself virtually independent of the Sultan of Turkey, was extending his control over Syria, Arabia and the upper valley of the Nile. For many years his relations with the French had been very close, and in 1839 it was the opinion of Lord Palmerston that all the vast empire which he was building up was "to be placed under the protection and to be subject to the influence of France."[4] It was this question that gave rise to the crisis of 1839 to 1841, when France appeared determined to defy not only Great Britain but the other three Great Powers as well.

In the Mediterranean, France seemed determined to dispute British naval dominance. In 1830 King Louis Philippe had written to Talleyrand that the French government should attempt to diminish the preponderance of Great Britain in that sea.[5] In 1839, the rapid increase of the French naval establishment in the Mediterranean greatly disturbed Lord

[1] Jean Brookes, "Anglo-French Rivalry in the Pacific" (unpublished dissertation, University of Chicago). See also C. Schefer, "La Monarchie de Juillet et l'expansion coloniale", *Revue des Deux Mondes,* 6º Période, tome 11, pp. 152-181.

[2] Cady, *Foreign Intervention in the Rio de la Plata* (Phila., 1929), pp. 61-65.

[3] Hoskins, *op. cit.,* p. 271; Curzon, *Persia and the Persian Question* (London, 1892), vol. I, pp. 585, 586.

[4] Palmerston to Granville, No. 413, 10 December 1839 (F.O. 27/578), quoted in W. G. Turner, "British Policy in Reference to Mehemet Ali, 1839-1841" (unpublished thesis of the University of London).

[5] Serres, *op. cit.,* pp. 64, 65.

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Palmerston, and when an attempt on his part to reach an agreement with France for a limitation of armaments in those waters proved unsuccessful, an application for a fresh naval appropriation was placed before Parliament.[1]

Moreover, the French were becoming suspiciously active in regions that were dangerously close to Morocco. In Tunis and Tripoli, despite the soothing assurances of King Louis Philippe and his ministers, there were many indications that French agents were busily at work.[2] The conquest of Algiers in 1830 had been enough to excite the suspicions of the British regarding French designs on the whole of North Africa.[3] At first, it is true, it was uncertain whether the new conquests were to be retained, but, as the decade progressed, it became more and more evident that the French had no intention of abandoning the country, and in November, 1839, the agreements which had been made with the Emir Abd el-Kader, for the recognition of that chieftain as the virtual sovereign in western Algeria, were abrogated, and preparations were begun for the military operations, which, under the leadership of the famous "Père" Bugeaud, were finally to destroy Abd el-Kader's power in Algeria and to carry the French flag to the Moorish frontier.

The reopening of this conflict gave rise to a serious and difficult question between France and Morocco. The Moorish population felt for Abd el-Kader the most intense sympathy, for they regarded him as the leader in a Holy War for the defense of the Mohammedan faith. The Sultan of Morocco, therefore, was forced to allow or even to facilitate the transportation of munitions of war across his territory for the use of the forces of the champion of Islam. Insistent demands for the cessation of this practice, so clearly a violation of neutrality,

[1] Granville to Palmerston, 17 July 1839 (F.O. 27/584); Palmerston to Granville, 10 December 1839 (F.O. 27/578), and 5 May 1840 (F.O. 27/599). Quoted in Turner, *op. cit.*, pp. 142-146.

[2] Conversation between the King of the French and Lord Granville, in Granville to Palmerston, No. 602, 9 March 1840 (F.O. 27/602); Palmerston to Ponsonby, 11 March 1840 (F.O. 78/389); Warrington to Palmerston, 1 October 1841 (F.O. Tunis), quoted in Turner, *op. cit.*, pp. 149-152.

[3] Swain, *op. cit.*, chap. viii.

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were sent in November, 1839, to the Sultan by the French government, with a clear intimation that war might result if Morocco should refuse to comply.[1] Shortly after this, articles appeared in French newspapers in which it was implied that as a result of the war with Abd el-Kader, the French planned to commence hostilities against Morocco.[2]

In view of this situation, Palmerston instructed the British Ambassador in Paris to take any fitting opportunity to remind the French government of its pledges regarding Morocco and Tunis, and to point out the undesirable effect which either a French attack on Morocco or a blockade of its coast would have on British public opinion. When the Ambassador, a few weeks later, received a report that a naval expedition was in preparation to be sent against Morocco, he obtained from the French Foreign Ministry a denial that any such preparations were in progress.[3] In a conversation with the King of the French on March 9, 1840, the Ambassador expressed the hope that the French government would not quarrel with the Sultan of Morocco because of the aid given to Abd el-Kader. King Louis Philippe replied that there was no danger of French aggression upon Morocco. "Be not alarmed", he declared, "we shall make no expedition into the Morocco territory, nor shall we blockade; we have had enough of blockades to sicken us of them."[4] As Palmerston, however, continued to receive rumors of French plans for military and naval action against Morocco, he sought and obtained from the French Foreign Ministry a formal confirmation of the assurances given by the King.[5] Indeed, the King had obtained the impression,

[1] De Nion to Sidi ben Dris, 20 November 1839 (Affaires Étrangères, Maroc).

[2] Palmerston to Granville, No. 397, 13 December 1839 (F.O. 27/578).

[3] Palmerston to Granville, No. 397, 13 December 1839 (F.O. 27/578); Granville to Palmerston, 16 December 1839 (F.O. 27/589), and 13 January 1840 (F.O. 27/601).

[4] Granville to Palmerston, confidential, 9 March 1840 (F.O. 27/602).

[5] Palmerston to Granville, No. 101, 16 March 1840 (F.O. 27/598); Granville to Palmerston, No. 98, 20 March 1840 (F.O. 27/602).

Though Great Britain and France seemed agreed on the general character of the pledges given by the latter providing for the immunity of Tunis and Morocco from encroachment, France was never able to accept the British con-

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as he later acknowledged, that the British government attached so much importance to the independence of Morocco, that any encroachment by France upon the territory of that country would have been regarded as a "*casus belli*," [1] and the French Foreign Minister in 1845 declared publicly that Morocco was "a state that had for a long time been under the especial protection of Great Britain." [2]

In the meantime a serious situation had arisen in Morocco on account of the rumors of an impending French invasion and the frequent appearance of French warships in the harbors. Military preparations had been made in the towns of Tangier and Tetuan. Troops had been assembled in the principal cities. Great numbers of the uncivilized people from the surrounding country, who had been invited to the city of Tangier for the purpose of attending one of the great Mohammedan festivals, were much excited at the prospect of war and were threatening the lives of the Europeans resident in the town. The Swedish consulate was fired upon and the Consul General himself narrowly escaped death.[3] The British Agent thereupon, having obtained from the French Chargé d'Affaires an assurance that any French squadron which might visit Morocco would do so only with peaceful intentions, conveyed this information to the Moorish Governor, and emphatically demanded that the natives be restrained from menacing foreigners. The Governor complied with this demand, and the immediate danger of an outbreak against foreigners soon

tention that these pledges prohibited her from acting in case of an attempt by Turkey to reconquer Tunis. This was apparent in conversations on the subject in July and September 1841, and the British Chargé d'Affaires contented himself with warning the French Foreign Minister that interference by the French government in either Tunis or Morocco under whatever circumstances would involve "very serious consequences". Bulwer to Palmerston, private and confidential, 30 July 1841 (F.O. 27/626); Palmerston to Bulwer, 22 July 1841, separate and confidential (F.O. 27/621); Granville to Palmerston, September, 1841 (F.O. 27/628).

[1] Cowley to Aberdeen, confidential, 21 March 1842 (F.O. 27/648).

[2] "Un état depuis longtemps spécialement protégé par la Grande Bretagne." (Guizot, *Mémoires,* Paris, 1865, tome VII, p. 176.)

[3] Hay to Palmerston, confidential, 5 February 1840, and No. 5, 19 February 1840 (F.O. 99/5).

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disappeared.[1] Nevertheless, the Governor freely confessed that if a French squadron were to appear in the harbor of Tangier "the life of every Christian and Jew in the place and doubtless all their property would be exposed to extreme peril." When information of this situation reached the British Ambassador at Paris, he expressed to the King and to the Minister of Foreign Affairs the hope that no naval expedition would be sent to Morocco, and he received assurances that not a single war vessel would be sent to that country unless the Sultan actually commenced hostilities against the French.[2]

In thus insisting on the preservation of the independence and political integrity of Morocco, and even its immunity from attack, Palmerston was by no means initiating a new or unique policy. His position regarding Morocco was, as has been indicated, almost identical with that regarding Tunis. That Great Britain should protect the Turkish Empire against the encroachment of Russia and other foreign powers, came in the course of the nineteenth century to be regarded in some quarters as a dogma so sacred in character that it was idle even to discuss its validity. Great Britain had long had a treaty with Portugal providing for a guaranty of the latter country's independence, and she had early in the nineteenth century adhered to the general treaties giving guaranties of the same kind to Switzerland, Belgium and Luxemburg. A similar position with regard to China was to be assumed, in theory at least, by Great Britain and more definitely by the United States. Indeed, policies of this general type were the real prototypes of such agreements as Article X of the League of Nations and the Locarno treaties.

Possibly the most important and influential of such policies was the American Monroe Doctrine. To this the British policy toward Morocco in Palmerston's time bore a close resemblance. Both were purely unilateral; both were concerned with states sparsely populated and at a low stage of political and economic

[1] Hay to Palmerston, No. 6, 29 February 1840 (F.O. 99/5) and 3 March 1840, confidential (F.O. 99/5); De Nion to the Minister of Foreign Affairs, No. 18, 29 February 1840 (Affaires Étrangères, Maroc).

[2] Granville to Palmerston, No. 119, 30 March 1840 (F.O. 27/602).

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development; both were maintained over a long period of time with a large measure of success. Indeed, it would not be inaccurate to refer to Palmerston's Moroccan policy as a British Monroe Doctrine.

That such a "doctrine" had been adopted by Great Britain could not be altogether concealed from the Moors themselves. It is not, therefore, surprising to find that in January, 1841, in the course of a dispute between Morocco and France,[1] the governor of the northwestern provinces of Morocco, who conducted the foreign relations of his government, stated to Hay that

> if the French attempted unfair encroachments on them and set themselves to pick out some matter, whereon to raise pretence for quarrel, his Government trusted that Great Britain would shew herself their friend, nay would act with the same energy for Morocco as she had lately for Turkey: 'as surely', (said the Governor) 'the British will not—for their own sake—allow the French to insult us and become masters of the Streight' [*sic*].

Hay told the Governor that he had not taken a correct view of the situation, that he must not expect British support against France in the dispute then in progress, and the only assurance that he could expect to receive from Great Britain was that she

> would under all circumstances whatever be found never to deviate from those just principles and that good faith which gave to her greater power and influence than even her physical strength, however great; and . . . in conformity with her high political rectitude she never would disown her professed and well-known sentiments of friendly regard for her ancient ally, Morocco.

Hay, however, requested Palmerston to give him instructions for his guidance in the future if occasion should again arise for discussion of this subject with the Moorish government.[2]

[1] *Infra*, pp. 49-50.

[2] Hay to Palmerston, confidential, 20 Jan. 1841 (F.O. 99/7). This discussion took place in the course of the dispute between France and Morocco over the arrest of a French subject by the Governor of Mogador (*infra*, pp. 49-50).

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Palmerston thereupon sent to Hay, for confidential communication to the government of Morocco, a document, dated 12 February, 1841, which is no less remarkable for the importance of its contents than for the exuberance of its style. "The British Government", Hay was instructed to say, "feels a sincere friendship for the Emperor, and is desirous of seeing the Emperor continue independent and powerful". After urging the Emperor to adopt a conciliatory policy in case of disputes with other powers,[1] Hay was to continue: "Whenever the Emperor may find himself in difficulties, or threatened with danger from without, he may always have recourse with confidence to the Friendship of England, and he may be sure that the British Government will in all such cases assist him with its advice and good offices."

But the term "advice and good offices" was interpreted in a peculiar way:

> The Emperor, who knows well what passes in every part of the world, and whose mind is as sagacious as his power is great, cannot fail to have seen by the events of late years, that the nations who have courted the friendship of England have benefitted thereby, and that the Sovereigns who have placed confidence in England and have been guided by her counsels, have encreased thereby in prosperity and Power.
>
> The Emperor has seen how the support of England has contributed to restore the Throne of Portugal to the present Queen of that Country, and to maintain the Queen of Spain in the enjoyment of Her just and legal rights.
>
> The Emperor has also seen that although the British Nation is beyond all others attached to its own Religion, yet it is not on that account the less disposed to cultivate true friendship with Nations professing the Mussulman Faith. The Emperor cannot fail to have heard how in the vast Regions in India which are governed by British authority the utmost harmony prevails between the Christian and the Mahometan Population, and how scrupulously the British Authorities respect the customs and religious observances of the Mussulman.
>
> The Emperor has no doubt also heard how the British power has succeeded in restoring Shah Shoojah to his lawful Throne

[1] For text of this portion of the instruction, *cf. infra*, p. 51.

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> of Cabool, and in expelling the Usurper Dost Mohammed, by whom that Throne had been wrongfully occupied.
>
> The Emperor has also seen in the course of the last year with what rapidity and success the British arms have afforded to the Sultan [of Turkey] that assistance which the Queen had engaged to afford him, and how by means of that assistance the legitimate authority of the Sultan has been reestablished in some important portions of his Empire, in which, for several years past, that authority had been overthrown.[1]

Now it should be noted that in every case cited in this passage regarding British assistance to other states, this assistance had gone beyond "advice and good offices" to the employment of material force. This in theory had been employed against internal rather than external enemies. But in the case of the conflict of Turkey and Egypt it was obviously not merely against the power of Mehemet Ali that the British armies fought, for behind Mehemet Ali stood France, and it was in opposition to France that Great Britain was maintaining the principle of the independence and territorial integrity of Turkey. Indeed, this was precisely the view taken of the matter by the Provincial Governor in his conversation with Hay in January, 1841,[2] and though Hay stated with great force the official theory that Great Britain was taking part in the war in question merely to support a legitimate sovereign against a rebellious vassal, there is no evidence that the Governor was convinced. Again, it is quite obvious that when the British attacked Dost Mohammed and drove him from Afghanistan, their real object was not merely to put the "legitimate" sovereign, Shah Soojah, back upon his insecure throne, but to prevent Afghanistan from being brought under the influence and control of Russia. It is, therefore, not an unwarrantable conclusion that when the Moorish authorities learned from Hay the purport of Palmerston's despatch of 12 February, 1841, it must have gone far toward confirming the opinion which they had apparently already formed, that in case France or Spain or any other power attacked Morocco in

[1] Palmerston to Hay, No. 2, 12 Feb. 1841 (F.O. 99/7).

[2] *Supra*, p. 40.

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such a way as to menace its independence or territorial integrity, Great Britain stood ready to assist Morocco not only with "advice and good offices" but with ships and guns and men.

When assistance, under certain conditions, was thus virtually promised by Great Britain to Morocco either in the form of "advice and good offices" or of something more substantial, it was expected that the Moorish government would reciprocate in several ways. In the first place, it must endeavor to do justice to British interests in its territories.

> His Majesty's Government [Hay was instructed to tell the Moorish authorities in 1837] has too high an opinion of the wisdom and foresight of the Emperor of Morocco to doubt that he sets a just value upon the continuance of the friendship and esteem of so great and powerful a Sovereign as The King of England, whose fleets have been victorious on every sea, and whose arms have been triumphant in every land: but this friendship and esteem can only be secured by justice and good faith in all dealings with His Majesty's Agents and with His Majesty's Subjects.[1]

But something more than mere justice to British interests was expected.

> Nations cannot enter into real friendship with each other without that mutual intercourse which begets kindly feelings on both sides, and the most certain means which The Emperor could take to secure to himself the support of England on occasions when he may require it, would be to encourage and facilitate to the utmost the commercial intercourse between his subjects and those of the Queen. For thus the whole British nation would grow to take an interest in the welfare of The Emperor, and the friendship between the two countries would rest upon a broader and more solid foundation.[2]

Great Britain, however, endeavored not only to induce Morocco to have proper regard for British interests, but also

[1] Palmerston to Hay, No. 6, 31 March 1837 (F.O. 52/43). This was based on a draft in Palmerston's own handwriting.

[2] Palmerston to Hay, No. 2, 12 Feb. 1841 (F.O. 99/7).

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tried to influence the conduct of that country toward the other Christian powers. It would, indeed, appear that some such policy must of necessity be followed by any government which attempts to maintain the "independence" of another state. The government of the United States, in its endeavors to carry out its Monroe Doctrine, has felt itself forced to intervene in many disputes in which the Latin-American states have become involved with European Powers. In 1904, President Roosevelt laid down the principle that any American state which practised "chronic wrongdoing" in the conduct of its foreign relations might be subjected to discipline by the government of the United States.[1] Indeed, it is difficult to see how the attempt to apply the Monroe Doctrine could have had any other result, for an irresponsible government is likely to interpret immunity from "encroachment" as a license to ignore its responsibilities toward other states. In such a case the injured parties are pretty certain to demand that, if they are forbidden to deal with such matters themselves, the power that prevents them from doing so shall itself undertake the responsibility of disciplining its ward.

In the case of Great Britain and Morocco the matter was not so simple. An attempt on the part of Great Britain to "discipline" that country as the United States has "disciplined" Haiti and the Dominican Republic would have met with opposition on the part of France, Spain and possibly other powers. It was accordingly of the highest importance that Morocco be induced to conduct her affairs in such a way as to give the other powers no reasonable excuse to quarrel with her. This, indeed, was precisely what the British government attempted to do: it adopted the policy, as the American diplomatic agent at Tangier observed, of endeavoring "to keep Morocco at peace with Europe".[2]

What might be regarded as a case in point arose in connection with a dispute between France and Morocco in 1831-32

[1] President Roosevelt's Annual Message, 6 December 1904, *For. Rel.*, 1904, xli, quoted in Moore, *International Law* (Washington, 1906), vol. VI, pp. 596, 597.

[2] Mullowney to Upshur, No. 9, n. d. (1844), archives of the U. S. Department of State.

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over the possession of Tlemçen. Tlemçen, one of the most ancient and historic cities in North Africa, lies on the western border of Morocco in a region which at this time had not been taken under French administration. In 1831 it had been occupied by Moorish troops, at the request of certain of the inhabitants. Though these troops had been withdrawn, the policy of the Sultan's government toward the place had not yet been definitely determined and the whole matter was under discussion with the French, who of course violently objected to the permanent occupation of the city by the Moors.[1] While the matter was still under negotiation, the British Agent at Tangier was visited by two prominent Moorish officials, who came separately but put to him more or less identical questions, namely, what he thought was the best policy for Morocco to adopt in regard to the possession of Tlemçen. They pointed out that the inhabitants of Tlemçen had themselves "as it were, elected His Imperial Majesty [the Sultan] for their sovereign and to him they had declared allegiance and for him, as their chosen monarch, they offered up the usual prayer in their sacred services." Surely the greatest prince of Islam in that part of the world could not desert the brethren of his faith! With this interpretation of the principle of self-determination, the British Agent expressed complete disagreement. When the French, Hay declared, had defeated the Dey of Algiers and seized his territory, they had acquired by right of conquest a valid legal title to all his possessions. Now, since it was admitted that Tlemçen was at the time of the conquest a possession of the Dey, the claim of the French to that region was accordingly incontestable, and it was obviously the duty and the best policy of the Moorish government to accede to their demands. When this argument was presented on each occasion to the Moors, they seemed to be much impressed and promised that they would endeavor to induce the Sultan and his ministers to abandon their claims to Tlemçen.[2] How influential were the

[1] Hamet, *L'Histoire de Moghreb*, pp. 401-402; Hardy, in Hanotaux and Martineau, *Histoire des colonies françaises*, vol. III, pp. 122, 123.

[2] Hay to the Colonial Office, 12 Nov., 5 March 1832 (Archives of the British Legation at Tangier).

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counsels of Hay's interlocutors it is impossible to say, but the policy actually adopted by Morocco was practically that advocated by Hay in his conversations with them.[1]

Another instance of British action to forestall trouble between Morocco and the other states of Europe occurred in 1836, when the British Agent learned that the government of Morocco was arranging to send to sea a new armed cruiser. There was every reason to believe that the Sultan planned to use the vessel for attacking the merchant ships of some of the smaller states, which might be frightened into buying immunity from attack, as was in fact still done by Denmark and Sweden. Though British commerce was in no danger of such attack, Palmerston instructed Hay to point out to the Moorish authorities in an informal and personal manner

> that the Maritime Powers of Europe were then too much united, and too sensible of the advantages which all of them must derive from establishing perfect security for merchant vessels on the high seas, that there could be no doubt that all the Naval Powers would make common cause even with the smallest State, whose ships might be wantonly attacked by Cruizers from the Coast of Barbary.[2]

It does not appear that there was any immediate necessity for putting this instruction into execution. The difficulties of handling the vessel which the Moors were preparing for sea proved too great for their skill in navigation and the project for the time was given up.[3] A few years later, however,

[1] In an agreement of April, 1832, Morocco promised not to intervene in the territory of the former Regency of Algiers. M. Georges Hardy believes, however, that this action was taken chiefly because of the defeat of the party in Tlemçen which favored the Moorish protectorate. (Hanotaux and Martineau, *op. cit.*, vol. III, pp. 122, 123.)

[2] Palmerston to Hay, No. 2, 13 June 1836 (F.O. 52/40).

[3] Hay to Palmerston, No. 20, 9 Nov. 1836 (F.O. 52/41). The Moors, in spite of their former prowess on the sea, were at this time scarcely able to navigate any vessel larger than a fishing smack. In the case of the vessel to which reference has been made in the text, eleven days were consumed in the voyage from Laraiche to Tangier, a distance of forty miles. It should be noted, however, that if the Moors had been determined on their project they might easily have hired navigators from among the sea-faring population of the Mediterranean littoral.

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occasion was found for Great Britain to assert her influence in this matter more vigorously than was contemplated by Palmerston in 1836.[1]

In 1837 difficulties between Morocco and Spain arose from the relations of the Moors with the Spanish garrison at Ceuta. Ceuta, which lies just across the Straits from Gibraltar, was at this time one of the four Spanish outposts scattered along the Mediterranean shore of Morocco. Quarrels between its garrison and the neighboring Moorish population had been of frequent occurrence. In March, 1837, during a conference between Spanish and Moorish officials, the Spanish interpreter was killed. The Moors then took possession of a parade-ground just beyond the walls of the Spanish fortress, though this territory had long been acknowledged to belong to the Spanish. There seemed to be serious danger of the outbreak of hostilities. When the British government learned of this situation, the British fleet in the Mediterranean was instructed to proceed to Ceuta, if the place seemed in any danger of attack from the Moors, and to afford any assistance to the garrison that might be needed. The Moorish government was to be "confidentially and indirectly informed" of British intentions. Before these instructions could be executed, the Spaniards and the Moors had reached a settlement of the difficulty. But the Moors must obviously have gotten some notion of the interest displayed by the British government in the question, since a British warship was lying at Ceuta when the controversy was at its height, and the British agent offered transportation by sea to the Moorish negotiator when he was on his way to Ceuta, so as to bring about a more speedy adjustment of the controversy.[2]

The policy of Palmerston in connection with Ceuta cannot be adequately understood unless it is recalled that for several years Great Britain had been supporting the cause of Queen Isabella II of Spain in her struggle with Don Carlos, and that

[1] *Infra*, pp. 51-52.

[2] Hay to Palmerston, No. 37, 21 July 1837 (F.O. 52/44); Strangways to Villiers, No. 123, 23 Sept. 1837 (F.O. 72/493); F.O. to the Admiralty, 22 Sept. 1837; Palmerston to Aston, No. 25, 26 Sept. 1837 (F.O. 27/537); Hay to Palmerston, 14 Oct. 1837 (F.O. 52/44).

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by 1837 British money, British soldiers and British ships had almost turned the scale in favor of the Queen. Hence the offer of assistance against the Moors was due quite as much to the peculiar nature of British relations with Spain as to the British policy of watching over the relations of Morocco with foreign powers.

The activity of the British in this case was viewed with some suspicion by the French government. When that government heard a rumor concerning British intentions regarding Ceuta, the Foreign Minister proposed that a French naval force should coöperate with the British in any action that might be undertaken.[1] But this proposal was flatly rejected by Palmerston with a good dead of asperity, since it appeared to be based on the assumption that France, through her possession of Algeria, had acquired a special interest in the whole of North Africa, which gave her the right to question any action taken by Great Britain in that region. Such a theory, it is needless to say, Palmerston regarded as quite absurd.[2]

When the rumors of French naval action against Morocco in the early part of 1840[3] were causing so much apprehension both in Morocco and in the British Foreign Office, Palmerston instructed Hay to avail himself of any suitable opportunity "to dissuade the government of Morocco from affording to France any just pretense for hostilities against Morocco."[4] When Hay executed this instruction, he raised the question of French complaints regarding the assistance given by the Moorish government and people to Abd el-Kader. This was a problem in which British assistance had been explicitly requested by the King of the French in an interview with the British Ambassador on 9 March, 1840.[5] The Governor immediately denied that any assistance had been given to Abd el-Kader and Hay did not pursue the matter further at this

[1] Aston to Palmerston, No. 12, 4 Sept. 1837 (F.O. 27/543).

[2] Palmerston to Aston, No. 21, 25 Sept. 1837 (F.O. 27/537).

[3] *Supra*, pp. 38-39.

[4] Palmerston to Hay, No. 4, 2 April 1840 (F.O. 99/5).

[5] Granville to Palmerston, confidential, 9 March 1840 (F.O. 27/602).

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time. Why he did not do so is somewhat difficult to understand, since only two months previously he had presented to Palmerston fairly conclusive evidence that Abd el-Kader had received, or was to receive, from the Moorish government, metal, sulphur and muskets, the latter probably of British manufacture. Palmerston, indeed, seemed to think that the British government was under no obligation to prevent the export of arms and ammunition by private citizens from Gibraltar to the armies of Abd el-Kader, and apparently believed that his indifference about the matter was excused by the fact that France had failed to carry out her alleged engagements to evacuate Algeria.[1]

Hay's general advice to the Moorish authorities regarding their relations with foreign powers had an almost immediately beneficial effect in another case. The French government had an arrangement with Morocco by which one thousand oxen might be imported into Algeria for the use of their troops and naval forces. Just before Hay's conversation of May 5 with the Provincial Governor, the export of these oxen had been suspended, obviously as an act of retaliation against the French for their threats of war made some months previously. But after his conversation with Hay, the Governor proceeded to modify this prohibition so as to allow the export at least of oxen already purchased.[2]

In the latter part of this same year, 1840, Morocco became involved in a dispute with France arising from the seizure by the Governor of Mogador of a former soldier in the French army. The French Vice Consul, who had protested vigorously against this apparent violation of treaty rights, struck his flag and placed himself under the protection of the British Vice Consul. The latter made vigorous efforts to adjust the dispute, but without result, and reported the case to his superior

[1] Palmerston to Lord John Russell, 4 December 1840 (Russell Papers in the Public Record Office). It should be noted that, according to the British Consul General at Algiers, the native tribes in North Africa had been in the habit of receiving arms and ammunition from French, as well as British, citizens, some of whom, apparently, were officials. St. John to Palmerston, 9 Dec. 1839 (F.O. 3/42), quoted in Swain, *op. cit.*, ch. x.

[2] Hay to Palmerston, No. 13, 5 May 1840 (F.O. 99/5).

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at Tangier. Hay at once urged the Provincial Governor to adopt a conciliatory attitude in accordance with the advice he had already given him, and declared that "Her Britannic Majesty's Government, as the very ancient and firm ally of Morocco, was particularly desirous that the Sultan, his master, be dissuaded from allowing any step to be taken which might afford to France just pretense for hostilities against that country." The Governor promised to communicate this advice to the Throne, and then of his own accord asked the opinion of Hay regarding the proper action to be taken in dealing with the situation at Mogador. Hay emphatically condemned the behavior of the Governor of Mogador and strongly advised that the Moorish government come to terms promptly with France. The Provincial Governor thereupon took up the matter with the French Chargé d'Affaires in an amicable and conciliatory spirit.

In the meantime the British Ambassador at Paris, in accordance with Palmerston's instructions, made inquiries regarding the matter and elicited from the French government a statement of their side of the case and of their demands, namely, the surrender of the soldier and the removal of the Governor of Mogador, with the understanding that the French Vice Consul in that town would also be removed. Palmerston then instructed Hay to inform the Moorish government that he considered the French demands reasonable and to urge that government to accept them promptly. When Hay executed this instruction on 9 March 1841, the French Chargé d'Affaires and the Provincial Governor were already very near to an agreement, and in a few days the matter was actually settled.[1]

It was while this controversy was still in progress that Palmerston enlarged upon the counsels which he had already

[1] Hay to Palmerston, No. 28, 5 November 1840, with enclosures, and No. 30 8 Dec. 1840 (F.O. 99/5); Hay to Palmerston, No. 1, 10 Jan. 1841 (F.O 99/7); Hay to Palmerston, confidential, 24 January 1841 (F.O. 99/7); Palmerston to Hay, No. 7, January 1841 (F.O. 99/7); De Nion to the Ministry of Foreign Affairs, No. 46, 6 Nov. 1840 (Affaires Étrangères, Maroc 6) Granville to Palmerston, No. 12, 11 Jan. 1841 (F.O. 27/622), and No. 46 8 February 1841 (F.O. 27/622); Hay to Palmerston, No. 7, 9 March 1841 and No. 9, 16 March 1841 (F.O. 99/7).

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given[1] in regard to the handling by the Moorish government of disputes with foreign powers.

> The best rule [he declared] by which The Emperor can guide his conduct in regard to other Powers with a view to maintain his independence, is to be extremely careful never to give any Foreign Power just cause of complaint against him; and if any dispute should arise between him and any Foreign Power in regard to complaints made by the Subjects of such Power of ill-treatment suffered by them in the Emperor's Dominions, The Emperor would do well to act in any such case in the most generous manner; and if there should be any doubt as to the amount of compensation to which the complaining Parties might have a just claim, The Emperor would act wisely by determining that doubt in their favour; for so will the fame of The Emperor spread far and wide among Foreign Nations and he will be renowned for his generosity and justice, as well as for his wealth and Power.[2]

It was not long before Hay found occasion to urge the application of these general principles to a specific problem. In July, 1841, he learned that the Sultan of Morocco was fitting out two vessels of war at Laraiche which apparently were to be used for the purpose of menacing or actually attacking European ships. He at once informed the Foreign Office and sent his son to Laraiche to make a thorough investigation into the matter. Palmerston, on the receipt of Hay's dispatches, instructed him to make a formal protest against the action of the Moorish government. "Such proceedings", Hay was to inform the Sultan, "would be resented by all Europe and would lead to very serious consequences." Therefore, 'Her Majesty's Government", the instruction continued, "having the welfare of the Emperor very much at heart, cannot too strongly entreat him to abstain from such proceedings." On the receipt of this instruction, Hay promptly interviewed the Moorish authorities and obtained from them an admission that they planned to use the vessel for the purpose of capturing all ships of those states whose governments had no treaties

[1] *Supra*, p. 48.

[2] Palmerston to Hay, 12 Feb. 1841 (F.O. 99/7).

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with Morocco or diplomatic relations with that country. He then not only delivered Palmerston's message orally and in writing, but practically demanded that the project be abandoned. The Provincial Governor and the Sultan both expressed themselves as well pleased with the action of the British government, and immediately afterwards the larger of the two Moorish vessels was condemned as "unseaworthy."

Two weeks later Hay was informed that the other vessel had captured a Spanish provision boat on the charge of smuggling and had brought it into the harbor of Tangier as a prize. Hay at once made a vigorous protest and shortly afterwards the Moorish warship was disarmed and laid up. The captured Spanish vessel was surrendered, partly, it may be, because of the arrival of a Spanish frigate with forty-four guns in the harbor of Tangier.[1]

The first interview which Hay had with the Provincial Governor in regard to the question of the Moorish schooners had been originally requested by the latter in order to discuss another problem. This was the question of the course to be pursued with reference to a number of grievances, chiefly petty claims which the Moorish government had against Spain and for which it had been impossible to obtain reparation, though the Spanish Agent at Tangier had privately acknowledged the justice of the Moorish contentions. In reply to the Governor's request for advice, Hay followed Palmerston's instructions of 2 April 1840 and 12 February 1841.[2] He counseled calmness, courtesy and dignity in the conduct of the negotiations. He furthermore advised that time be allowed to the much harassed Spanish government to give mature consideration to the Moorish demands, and especially that action with reference to them be deferred until the return of the Spanish Agent who was planning to go to Madrid and had promised while there to endeavor to settle the controversy. After listening

[1] Hay to the Foreign Office, No. 18, consular, 28 July 1841 (F.O. 99/8); Palmerston to Hay, No. 6, 24 August 1841; Hay to Aberdeen, No. 14, 21 September 1841, with enclosures; do. No. 17, 5 October 1841; do. No. 20, 3 November 1841; do. No. 21, 4 November 1841 (F.O. 99/7); do. No. 6, 14 March 1842 (F.O. 99/9).

[2] *Supra*, pp. 48, 51.

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to this advice, the Governor expressed himself as very grateful "and appeared as if he had had a load taken off his shoulders." The counsels of Hay appear in general to have been followed, since the claims of the Moorish government never were pressed in such a way as to be a cause of serious difficulty with Spain.[1]

Before this last matter had been adjusted, the rule of the Liberals in Great Britain, which had lasted, with a brief interval, since 1830, had at length come to an end, and Lord Palmerston had been replaced at the Foreign Office by the Earl of Aberdeen. In the period of eleven years since the Liberals first came to power, much had been done to settle the lines of British policy toward Morocco in the paths which it was to follow with a fair degree of consistency for another sixty years. Great Britain, as has been pointed out, had definitely adopted the position that Morocco must be immune from encroachment on the part of the other powers and she had strongly deprecated the employment by any foreign power of any coercive weapon against Morocco, such as the blockade. She had virtually promised to Morocco her assistance in case of need, but had demanded that Morocco should show herself worthy of British friendship by giving fair treatment to British interests in the country, by according wider facilities for British commerce and by avoiding occasions for disputes with foreign powers.

The motives of the British government in thus endeavoring to shield Morocco from foreign encroachment are fairly apparent. It was clear that an attack upon Morocco by one of the European powers might bring about an internal upheaval that would endanger the lives and property of all the foreigners in the country. The effect of the mere rumor of such an attack was illustrated by the situation in the winter of 1840, when it was apprehended that the French planned to execute a naval demonstration along the Moorish coast.[2] For the Sultan's government had too little control over the country to give much effective protection to foreigners even if it had desired to do so. Moreover, any serious shock, such as war with a

[1] Hay to Palmerston, confidential, 22 September 1841 (F.O. 99/7).

[2] *Supra*, pp. 38-39.

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European power, might have resulted not only in the fall of the reigning Sultan but in the destruction of what little political organization existed, so that Europeans would have been exposed to the greatest danger and foreign intervention might have become a necessity.

Great Britain also had at stake important economic interests which would have been imperiled by foreign aggression upon Morocco. That country had furnished the garrison at Gibraltar with meat and vegetables, and circumstances might easily be conceived of under which it would become the only place from which these necessities could be obtained.[1] In time of war there was every possibility that Morocco might become an important or essential source of supply for the foodstuffs needed by the British vessels of war in adjacent waters.[2] Moreover, the potential value of Morocco, entirely aside from its utility in providing supplies for the Gibraltar garrison and for the British navy, was by no means to be despised. It is true that the foreign trade of the country, in which under normal conditions the British had the most important share was not very large, but this was evidently due to the policy of the Moorish government, which not only hampered foreign trade and completely ignored the internal development of the country, but actually discouraged the accumulation of wealth on the part of the people. Accordingly, there was every reason for believing that under a more intelligent administration the trade of the country would expand at a very rapid rate. The actual and potential commercial interests of the British would obviously have been jeopardized through the conquest of Morocco by a power like France or Spain which practised a restrictive commercial policy toward its possessions.

But possibly Morocco derived its chief importance from its geographical position. Near its Atlantic coast ran the all-sea route to central and southern Africa, to India, to Australasia

[1] In 1841 the Spanish government placed such regulations on the coasting trade that it was necessary to seek in Morocco the supplies of provisions which had previously been obtained from Spain. Hay to Palmerston, No. 16 4 October 1841 (F.O. 99/7).

[2] *Cf. supra,* p. 29, for account of attempts to obtain food for the British navy and army during the Napoleonic wars.

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and to the Far East. The northern coast of Morocco, and especially that part of it forming the southern shore of the Straits of Gibraltar, guarded the entrance to the Mediterranean; and the importance of this sea, from the viewpoint of British interests, was much enhanced in the second quarter of the nineteenth century by the development of new tendencies in British policy toward certain countries on the Mediterranean littoral. For it was in 1829, at the close of the Russo-Turkish War, that the British government after several years of vacillation definitely decided to protect Turkey against any aggression that might further endanger her existence.[1] The acquisition of independence by Greece at about the same time turned the attention of the British to the political and economic possibilities of that country. The rise of Mehemet Ali and the French activities in North Africa made that region one of especial interest to the British Foreign Office.

In the third and fourth decades of the last century the Mediterranean was acquiring a new importance in the eyes of the British on account of changes that were taking place in world trade-routes. For about four hundred years, communication with the East had been maintained almost exclusively by sea around the Cape of Good Hope. But, in the early nineteenth century, attempts were made to revive the ancient route through the Mediterranean, and after many years of discussion and experiment the steamship *Hugh Lindsey* in 1830 completed the voyage by steam from Bombay to Suez in one month, thus making possible the carriage of mail and passengers from England to India in fifty-nine days.[2] Rapid development of the facilities of communication went on in the succeeding years, and long before the building of the Suez Canal the stream of eastern traffic was being steadily diverted from the all-sea route to the shorter and quicker route through the Mediterranean.[3]

Since this body of water had come to occupy so important a position, it became one of the chief aims of British diplomacy

[1] Hoskins, *op. cit.*, p. 139.

[2] *Ibid.*, pp. 108, 109.

[3] *Ibid.*, pp. 183-235.

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to prevent it from being dominated by any of the other Great Powers. In order to accomplish this result, it was believed to be necessary to keep those powers from extending their control in the region around the shores of the narrow entrance into the Mediterranean through the Straits of Gibraltar. And to attain this object, it was obviously essential that the *status quo* in the empire of Morocco should be preserved.

Such appear to have been the motives actuating the rulers of Great Britain from 1830 to 1841, when they took the position that British interests required the immunity of Morocco from foreign encroachment. This doctrine, supported by the immense authority of Lord Palmerston, passed into the body of tradition and dogma which was transmitted from one generation of diplomats to the next, and which guided the administration of British international relations.

F. R. FLOURNOY

ST. STEPHEN'S COLLEGE

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BRITISH ECONOMISTS AND THE EMPIRE II[1]

I

AS the principles of Wakefield give us a convenient point of departure for considering the attitude of economists toward the British Empire between 1830 and 1860, so do those of the Manchester school for the succeeding twenty years.

The Manchester doctrine was formulated by politicians rather than by economists, but since it was approved by several economists—notably J. E. Cairnes and Thorold Rogers—and perhaps tacitly accepted by others, a brief statement of its main points is necessary here. We shall limit ourselves to what was said of the self-governing colonies, that being the phase of the question most interesting to economists and indeed the one uppermost at the time.

Bright and Cobden, the acknowledged leaders of the school, and Goldwin Smith, its colonial philosopher, held that the imperial connection imposed unjust burdens on Great Britain in the way of defense and administration, while it weakened the self-reliance of the colonies. The conclusion was that both parties would be better off if they were free of each other. Indeed, separation was held to be a consummation toward which the colonies were inevitably moving, and the Manchester group did not hesitate to assure them of the wisdom of the step.[2]

Among economists J. E. Cairnes fully subscribed to these ideas.[3] Every reason for "holding the colonies in subjection", he declared, had now disappeared: tribute, commercial

[1] The first part of this article was published in the POLITICAL SCIENCE QUARTERLY for June, 1931.—ED.

[2] *Cf.* Goldwin Smith, *The Empire* (1863), John Bright, *Speeches on Public Policy* (1868), Richard Cobden, *Speeches on Questions of Public Policy* (1870), and J. E. Thorold Rogers, *Cobden and Modern Political Opinion* (1873).

[3] *Political Essays*, "Colonization and Colonial Government" (1864). He upheld the planting of colonies, however, for the latter, "whether now connected with [England] or not, are as necessary to the support of her people as the soil on which they tread" (*ibid.*, pp. 31-33).

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monopoly, the transportation of criminals were no longer tenable, emigrants showed no preference for the colonies, and the home government had even abdicated its right to maintain intra-imperial free trade. The political bond was worth exactly nothing. "Retain our colonies! What is there left to retain? Retain the privilege of spending yearly £4,500,000 sterling on their protection, and receive in requital prohibitive tariffs and 'ironical allegiance'!" Moral unity, he believed, would survive political unity. More effective than "imperial ligaments supplied from the Colonial Office", the ties of blood, language and religion would keep England and her colonies "in peace good friends, and firm allies in war."

There was one point that Cairnes did not touch: should the political tie, tenuous though it was, be broken by the mother country? Goldwin Smith answered the question in the affirmative.[1] The remarks of Cobden and Bright, however, lead us to wonder whether the charge of anti-colonialism which was frequently thrown at them was not in a sense unmerited. When separation came, they insisted, it should come peacefully, by "the natural play of events" and on the initiative of the colonies.[2] "Of all the misfortunes which could happen between us and Canada", said Bright in 1865, "this would be the greatest, that her separation should take place after a period of irritation and estrangement, and that we should have on that continent to meet another element in some degree hostile to this country."[3] The inflammable nature of the relations between the United States and England ever since the Revolution must have impressed contemporaries with the evils of an embittered separation, the more so since during the 1860's the two countries seemed to be more than once at the point of war. Peace being a cardinal principle of the Manchester school, it seems unlikely that they would have

[1] C. A. Bodelsen, *Studies in Mid-Victorian Imperialism*, pp. 55-6. The colonies should not, however, be "cast off suddenly, rudely, and without regard for their safety."

[2] Rogers, *Cobden and Modern Political Opinion*, p. 258; W. H. Dawson, *Richard Cobden and Foreign Policy* (1926), p. 189.

[3] *Speeches on Public Policy*, p. 79.

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risked alienating the colonies by pushing the policy of economy and renunciation of imperial burdens to extremes.

Thorold Rogers, a professional economist, vigorously denied that "colonial reformers" had any intention of disrupting the empire. From youth he had been an intimate friend of Cobden and in the 1860's joined Goldwin Smith in attacking the colonial system. "Their object", he said, "was to prevent the dismemberment, to say nothing of the disgrace, of the empire." They wished merely to readjust the "one-sided" relationship between England and the colonies. The danger of dismemberment, he seemed to imply, lay in the very ties upon which the continuance and security of the empire were supposed to depend.

> As long, for example, as the foreign policy of Canada is dictated by the Foreign Office in London, Great Britain is peculiarly vulnerable on the Canadian frontier. As soon as it is understood that the foreign policy of Canada is one for which Canada is alone responsible, and the foreign policy of Great Britain is one for which her colonies are not responsible, those colonies are totally freed from British complications and the United Kingdom can retain her defences intact.[1]

He contended, it is true, that Britain derived no special economic benefit from the colonies which would justify expenditures on their behalf; indeed, "on merely trade principles they have become worse customers than many nations of wholly alien origin."[2] But he believed that "a total severance of those colonies would be a misfortune . . . for there is no enmity like that of brethren, especially when one of the brethren affects the airs of an elder son. The invitation to secede, so freely tendered to the colonists, is in my opinion inexpedient as well as uncivil." He therefore suggested a new arrangement, an alliance or "English Union" which the United States should be pressed to join and which should bestow equal civil rights on citizens moving from one member state to another, affirm that all citizens of the allies possessed a common nation-

[1] *Cobden and Modern Political Opinion*, p. 243.

[2] *Manual of Political Economy* (1868), p. 257.

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ality, and establish a common currency, postal system and commercial law. This, he anticipated, would be a step toward "that system of international councils which shall discuss the general good of all those whom political science affirms to have common interests." [1]

John Stuart Mill was not a disciple of the Manchester school, but during the period under review he arrived at a position on colonies similar in many respects to theirs. As we have seen,[2] he had strongly advocated Wakefield's system in the 1840's, and the old affection for it lingered on. Systematic colonization as a remedy for low wages still appeared in the 1865 edition of his *Political Economy,* but now with the comment that while true in principle it was no longer urgent, since unassisted emigration was carrying away the superfluity of labor.[3] In *Representative Government,* first published in 1861, he asserted that on a merely pecuniary basis England lost by the possession of colonies, and would also be better able to defend herself without them, but that there were strong reasons for maintaining a "slight bond of connection, so long as not disagreeable to the feelings of either party." Apart from keeping open the overseas markets, the connection was justified on less materialistic grounds: it added to England's prestige and marked progress toward universal peace. Altruism compelled Mill to advocate whatever promoted the "moral influence and weight in the councils of the world of the power which, of all in existence, best understands liberty." [4] Consequently he deprecated the severance of relations between England and New Zealand which appeared to be imminent in 1870.[5]

Herman Merivale had been attracted, though less strongly than Mill, to the doctrines of Wakefield, and in the 1860's his faith in the British Empire was still almost intact. At least

[1] *Cobden Club Essays* (second series, 1862), "The Colonial Question", pp. 452-8.

[2] *Cf. supra,* POLITICAL SCIENCE QUARTERLY, vol. XLVI, pp. 266-7 (June, 1931).

[3] J. S. Mill, *Political Economy* (1865), p. 232.

[4] *Considerations on Representative Government* (1875), pp. 341-2.

[5] H. S. R. Elliot, *Letters of John Stuart Mill,* vol. II, p. 237.

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in 1861, however, he shared the belief of the Manchester school that the colonies were destined to withdraw. "As the wealth of earth and the flower of human strength fade so . . . decay leagues and alliances", he wrote with poetic resignation. The outbreak of the American Civil War seemed to rouse him to the necessity of combating this tendency. He regarded emigration as necessary to the well-being of England, and the disturbance in America threatened to close at least temporarily the most important outlet. Moreover the strained relations between England and the United States provided him with a good example of the hostility that an emancipated colony might evince toward the mother country. If a colony remained friendly and prosperous, he said in 1862, England would gain by the separation. "But if it did not, if its advance was checked by internal insecurity, if it fell under the dominion of, or into connection with, foreign states; if it adopted hostile tariffs, or opposed the admission of our emigrants; then we should find that the loss of the colony was an economic disadvantage." "It surely follows," he concluded, "that continued colonization, and the continuance of our political relation with such colonies as we possess, are more than ever important to the well-being of the community." [1]

By 1870 Merivale's interest in keeping the colonies seemed to be reduced to a desire for closer union with Australia, which, he anticipated, would be a valuable base for the extension of British trade and influence in the Malay Archipelago and along the coast of Asia.[2] Large schemes of union, however, he dismissed as impracticable; minor measures[3] which would promote good feeling must be relied upon.

[1] *Journal of the Statistical Society of London*, 1862, pp. 491-6.

[2] *Fortnightly Review*, February, 1870, p. 160, "The Colonial Question in 1870." He considered Canada a less desirable field for emigration than the United States. The American Civil War having ended and the stream of emigration being again in full flow, he probably felt that one good reason for retaining Canada had disappeared. "Australia," he said, "forms, in truth, the only division of our empire respecting which the question at issue [*i. e.*, closer union] is of any considerable importance."

[3] Such as the elimination of legal barriers throughout the empire; for example, professional men admitted to practice in one colony should have the same privilege wherever they might subsequently reside; there should also be mutual recognition of divorces. *Ibid.*, pp. 171-3.

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Merivale's criticism of the Manchester dogmas was feeble compared to the censure heaped upon them by Archibald Hamilton in a paper read before the Statistical Society in 1872. Hamilton attacked the belief that British trade with the United States had grown in consequence of separation; rather it had increased through the establishment of freer commercial relations, an advantage which the British colonies now enjoyed. In fact, under existing circumstances the break-up of the empire might bring about an actual decline in trade, for "trade follows the flag". The truth of this maxim was proved by the preponderance of British goods sold to French and Dutch communities within the empire, which might have been expected to prefer the products of their native countries. The net cost of the colonies to Great Britain, Hamilton claimed, had been exaggerated. The parliamentary returns improperly charged Western Australia and Tasmania with the expense of transporting and maintaining British criminals. Furthermore, if trade with the colonies was not all clear gain, neither was trade with foreign nations; the latter required the maintenance of a diplomatic corps and a navy. Hamilton also dwelt upon the advantage of colonies in time of war and ended with a warning to the anti-colonial party not to underrate the sentimental thread in the bond which united England and her colonies.[1]

Economic literature of the period 1860-1880 contains relatively few references to imperial problems. W. S. Jevons and Cliffe Leslie, writers of the very first rank, pass over them completely. This comparative silence is not easy to interpret. It may have been due to the fact that economists acquiesced in the dominant ideas of the time, or merely that their interest, as a later writer suggested, lay elsewhere.[2] At any rate the field was almost completely abandoned to the Manchester school and its sympathizers. Most economists who recorded their opinions believed that the colonies were fated to separate from the mother country. While they did not regard the event as an unmixed evil, especially from the economic point of view,

[1] *Journal of the Statistical Society of London*, 1872, p. 111 *et seq.*

[2] C. F. Bastable in the *Report* of the British Association, 1894, p. 725.

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they would have welcomed a continuance of the relationship in a form involving somewhat less responsibility for Great Britain. None of them, it is interesting to note, recommended separation from the colonies on the initiative of the home country.

II

What Professor Porritt calls a "period of indifference" toward the colonies was succeeded in the 1880's[1] by a growing appreciation of their importance to England's welfare. The indifference was not, perhaps, very profound, and therefore the reaction was less abrupt and complete than is sometimes imagined. But whatever its extent, economists such as John Stuart Mill, Herman Merivale, and even Thorold Rogers may have prepared the way for the change by insisting on the value of a colonial connection during the years when many of their contemporaries seriously questioned it.

One fact, however, gravely hampered those economists of the reigning classical school who undertook to defend the empire. Many people believed that under a free-trade régime colonies were a burden to Great Britain. Why, therefore, retain them? If economists had been free to do so, they might have replied by asking: Why retain free trade? But since they had committed themselves almost unreservedly to that doctrine they could only answer that the free-trade argument against the colonies, though weighty, was inconclusive. Anything, however, which should tend to weaken belief in free trade might correspondingly improve the case for the colonies. As it turned out, this was only a part of what occurred, for imperial sentiment often increased the dissatisfaction with free trade. It is the former tendency that we shall consider here.

Economists were not the first to lose faith in free trade. But while they continued to pay it lip- and no doubt heart-service until the end of the century, they indirectly gave much comfort to its enemies. The new generation of economists

[1] The reaction had begun in the previous decade. According to C. A. Bodelsen (*op. cit.*, p. 79) anti-colonialism reached its climax about 1870.

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charged the classical school with dogmatism and inattention to the facts of experience, and upon what subject had economists been more dogmatic than free trade? "It is now patent even to those who are in a hurry," said Alfred Marshall in 1897, "that no practical problems can be settled offhand by appeal to general doctrines; for the things of which account must be taken are so diverse, and our knowledge of many of them is so slight, that they yield no firm hold for formal proof."[1] Marshall has been called a "neo-classicist": careful inquiry, he thought, was no more (and no less) important than the discovery of general principles. His strictures frequently fell upon another group of economists, the historical school, for what he considered their disposition to neglect or undervalue the deductive method.

Yet it was perhaps this very flexibility of principles and passion for facts that ultimately caused the historical school to identify itself more closely than any other body of economists with the attack on free trade and the movement for consolidating the empire.

The historical or Realist point of view in economics was partly a German, partly a native growth. The English development may be said to have commenced with Richard Jones, who as early as 1833 anticipated the theory of such modern economists as William Cunningham, Arnold Toynbee, W. J. Ashley, W. A. S. Hewins and others. "We must get comprehensive views of facts," said Jones, "that we may arrive at principles that are truly comprehensive."[2] Cunningham's *Growth of English Industry and Commerce* (1882) was the first extensive work written according to this canon, and it contained some morsels both for imperialists and for tariff reformers. There was a dispassionate and therefore comparatively sympathetic account of the mercantile system; there were also some remarks on the vulnerability of England's present economic structure. Foreign rather than domestic needs regulated the flow of British capital and labor, Cunningham observed. Hence,

[1] *Quarterly Journal of Economics*, vol. XI, p. 117.

[2] *Ibid.*, p. 116.

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> the state of our chief trades depends directly and immediately on circumstances which lie as completely beyond our control as the state of the weather. Depending, as our manufacturers do, not only for sale but for materials and food on foreign countries, any social change in foreign lands or rupture between foreign countries may be a most serious matter.

Yet in his opinion it was impossible, "after the experience of the last century", to revert to protection. Instead, some method of international price control might enable England to recover her economic stability.[1] All this no more than hinted at the position he was later to assume. Nevertheless, J. R. Seeley, who gave classical expression to the new imperialism of the 1880's in *The Expansion of England,* acknowledged his debt to Cunningham in the preface to that work.[2] Eventually Cunningham was able to repay the compliment.[3]

Another historical economist, Professor W. A. S. Hewins, who helped to organize the London School of Economics in 1895, had by that time arrived at the conclusion that the older economics was in need of drastic revision. He had already published a book on the mercantilist system[4] and continued to lecture on the subject in London. These studies, he said, gave him the key to the economics of modern imperialism.[5]

Those who were disposed to reëxamine previously accepted doctrines and to question their applicability to present circumstances could find some justification for doing so in the writings of the older economists. The younger generation in fact somewhat exaggerated the dogmatism of their predecessors. The latter had indeed recommended free trade, but with distinct qualifications. Thorold Rogers, it is true,

[1] Cunningham, *Growth of English Industry and Commerce* (1882), pp. 405-6, 419, 422-3.

[2] What or how much Seeley owed to Cunningham it is difficult to say. *The Expansion of England* was published in 1883 but it was based on lectures delivered in 1881-2, a year before Cunningham's work appeared.

[3] Cunningham, *Rise and Decline of the Free Trade Movement* (1904), preface, "It hardly seems possible that anyone, who has been influenced by the political ideas of Sir John Seeley, and is true to the economic doctrines of Adam Smith, should hesitate [to advocate tariff reform]."

[4] *English Trade and Finance Chiefly in the Seventeenth Century* (1892).

[5] *The Apologia of an Imperialist* (1929), vol. I, p. 34.

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called free exchange a "natural right", but even he implied that limitation of it might be justified on grounds of public policy.[1] Cairnes likewise, though unmoved by arguments for modification in 1874, said that "circumstances might be imagined in which they would possess real cogency."[2] John Stuart Mill based his argument against protection partly on the assumption that England did not need it at the time.[3] Later critics of free trade could therefore appeal to high authority when they argued that conditions having changed, policies might very well change with them.

Thus at the end of the nineteenth century economists in adopting a more pragmatic attitude on public questions were opening the door to a reconsideration of imperial policy. They accelerated the movement by insisting that economic considerations alone ought not to govern state policy, but that social and political factors should receive due weight as well. Economists were still, however, very sparing in comments that bore directly on the empire and imperial policy. An authoritative proposal was needed to crystallize their views and bring them into the open. This was provided by Joseph Chamberlain, secretary for the colonies, in 1903.

Chamberlain had been an ardent, almost pugnacious, imperialist for many years, but until the late nineties he had refused to support any plan of tariff revision even in the interest of imperial unity. In 1896, however, he expressed the opinion that British duties on foreign goods would be a "proper subject for discussion" provided the colonies were ready to accept a *Zollverein* involving free trade within the empire. "If the people of this country and the people of the colonies mean what they have been saying," he remarked, "and if they intend to approach this question of Imperial unity in a practical spirit, they must approach it on its commercial side."[4] Shortly afterward England denounced the

[1] *A Manual of Political Economy* (1876), pp. 224-5.

[2] *Political Economy*, pp. 475-6.

[3] *Principles of Political Economy*, Bk. 5, ch. 6.

[4] *Foreign and Colonial Speeches* (1897), pp. 166, 172-4; Alexander Mackintosh, *Joseph Chamberlain* (1914), p. 264.

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treaties of 1862 and 1865 with Belgium and the German *Zollverein* respectively, which have been described as "the high-water mark of Free-Trade policy applied to the British Empire."[1]

These events led at least one economist to believe that Chamberlain meditated a new policy, and Professor Hewins wrote a letter to the colonial secretary for the purpose of smoking him out. The reply was very moderate but Hewins went ahead with the preparation of an article which intimated that important changes in British imperial policy were about to occur.[2]

The article,[3] which appeared in the *Schriften des Vereins für Socialpolitik* in 1900, seems to have been the first published expression, by an economist, of the belief that a change in commercial policy was necessary not only to increase the "political and social stability" and the "defensive power" of the empire, but to prevent its ultimate disintegration. Whether or not the empire ought to be preserved was no longer a practical question, said Hewins—excluding relics of the Manchester school "whose views are limited by the English horizon," all Englishmen were imperialists of one kind or another: they differed simply as to policy. "Constructive imperialism" he defined as "the deliberate adoption of the Empire as distinguished from the United Kingdom as the basis of policy, and, in particular, the substitution in our economic policy of Imperial interests for the interest of the consumer." This, he was careful to add, did not mean a return to protection "as part of a system of national economy." Closer commercial union might in fact be promoted in many ways without drastic changes in policy, although "Free Trade within the Empire" must finally arrive. If economic loss followed temporarily it would probably be succeeded by a great increase in wealth and productive power. In any event the benefit should not be estimated simply in terms of economic gain.

[1] Hewins, *Apologia*, vol. I, p. 45.

[2] *Ibid.*, pp. 47-9.

[3] The following statements are based on extensive extracts from the article given in Hewins, *op. cit.*, vol. I, pp. 11, 52 *et seq.*

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"There is a disposition . . . to admit", said Hewins, "that Free Trade was a national, insular policy; and that the substitution of the Empire for the nation as the basis of public policy requires changes not contemplated by the Cobdenite school or inconsistent with its tenets."

L. L. Price, another member of the historical school, took a somewhat more moderate position. He did not forget the extreme simplicity of the existing free-trade régime or the technical difficulty of manipulating tariffs in order to attain political objects. Yet he admitted that political advantage or ultimate economic gain might well be purchased at the expense of a temporary economic loss. If this viewpoint were adopted, "the more obvious and open action of bounties is to be preferred to the obscure indirect influence of import duties." In any case the economist must not depreciate the weight of practical arguments against free trade.[1]

Chamberlain's speech at Birmingham on May 15, 1903, unleashed the opposition. It was his first public statement favoring non-revenue duties on foreign goods. In 1896 he had postponed the discussion of tariff reform on the part of England to the moment when the colonies should accept free trade within the empire. Now he declared that as a measure of retaliation against the unfair trade practices of foreign nations, and as a means of increasing the tariff preference which the colonies allowed England but which Canada in particular might reduce or even withdraw—in fact to retain the colonies themselves—British fiscal policy must be immediately overhauled.[2] On May 28 he roundly declared that "if you are to give a preference to the colonies, you must put a tax on food."

Professor Hewins was in full accord with these views and in the subsequent campaign for tariff reform became Chamberlain's principal economic adviser. He wrote a series of controversial articles for the *Times* on "The Fiscal Policy of the Empire",[3] which embodied various suggestions of Chamber-

[1] *British Association Report*, 1900, pp. 847-8.

[2] *Mr. Chamberlain's Speeches* (1914), vol. II, p. 120 *et seq.*

[3] The articles appeared at intervals of a few days, beginning 15 June, 1903.

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lain's as to style and arrangement, and at the end of 1903 was appointed secretary to the new (unofficial) Tariff Commission, a post which he occupied until 1917. From 1917 to 1919 he was undersecretary of state for the colonies. "I do not pretend to be an economic expert", Chamberlain told him. "I once read Mill and tried to read Marshall. You must supply the economic arguments." [1]

Arguments were indeed badly needed if certain economists were to be convinced. A letter signed by fourteen professors of economics [2] which appeared in the *Times* on August 15, 1903, measured the strength of the opposition. The letter consisted, as a tariff reformer phrased it, of "a preamble and seven platitudes; . . . two professors to one platitude." While admitting that a scheme designed to cultivate friendly relations with the colonies need not be rejected simply because it entailed some economic sacrifice, the writers believed that the measures proposed were inadvisable, "first, because there would probably be incurred an universal and permanent sacrifice, not only of material, but also of higher good; and, secondly, because the means suggested would be likely . . . to defeat rather than attain the end in view." Preferential tariffs, they were sure, would inevitably lead to protection with all its attendant danger of political corruption and injury to foreign trade. They dwelt upon the added burden that British consumers would have to bear and the improbability of wages' keeping pace with the increased cost of food. As for strengthening the imperial tie, preferential tariffs might stimulate controversy rather than good-will within the empire.

The manifesto embodied most of the arguments subsequently urged against tariff reform, although economists have written a great deal on the subject since it appeared.[3] Professor

[1] Hewins, *op. cit.*, vol. I, pp. 66-7.

[2] C. F. Bastable, A. L. Bowley, Edwin Cannan, Leonard Courtney, F. Y. Edgeworth, E. C. K. Gonner, Alfred Marshall, J. S. Nicholson, L. R. Phelps, A. Pigou, C. P. Sanger, W. R. Scott, W. Smart and Armitage Smith.

[3] For the views of economists who opposed a change in tariff policy *cf.* Archibald Clark, "British Colonial Policy in its Economic Aspect" (*British Association Report*, 1901, p. 755); the same, "The Policy of Preferential Duties" (*British Association Report*, 1909, p. 556); H. W. Massingham (ed.),

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Bastable, however, elsewhere went on to warn his countrymen that if the simple rule of taxation for revenue only were departed from in order to wage commercial war, a weapon would be placed in the hands of those who advocated other kinds of "social-political" taxation to secure a more equal distribution of wealth.[1] Professor Smart took issue with those who held that drastic measures must be taken to prevent the break-up of the empire. He himself could see no evidence of such a débâcle: "old ties of kinship, pride in the British name and traditions will have something to say", and in the case of Canada self-interest would dictate loyalty to the empire.[2] Answering those who thought that new times might require new measures, F. Y. Edgeworth ranged himself on the side of dogma and quoted F. W. Taussig to the effect that "those who are for judging each case on its merits without any presumption in favor of Free Trade or Protection are unable or unwilling to follow the thread of intricate reasoning."[3] But at least one economist who signed the manifesto of 1903 —Professor J. S. Nicholson—changed his views in the course of time.[4] Nicholson came to recommend not only imperial federation for purposes of defense, but free trade within the empire together with protective tariffs where necessary.[5]

It was remarked[6] that almost without exception economists of the historical school declined to sign the manifesto of 1903.

Labour and Protection (1903, chapter by J. A. Hobson); C. F. Bastable, "The Rule of Taxation for Revenue as a Canon of Public Finance" (*Economic Journal*, 1903); W. Smart, *The Return to Protection* (1904); J. M. Robertson, *The Fiscal Policy of International Trade* (1912, a summary of the Memorandum by Alfred Marshall, published as a Parliamentary Paper in 1908); Edwin Cannan, *The Economic Outlook* (1913); Sir William Beveridge, "Population and Unemployment" (*British Association Report*, 1923, p. 158).

[1] *Economic Journal*, 1903, pp. 508-9.

[2] *The Return to Protection* (1904), pp. 252-3.

[3] *Papers Relating to Political Economy* (1925), vol. III, pp. 150-51.

[4] In the preface to *A Project of Empire* (1909) he admitted this change of heart. H. O. Meredith, however, in a review of the book (*Economic Journal*, 1910, p. 47) absolves him of hostility to free trade.

[5] *A Project of Empire* (1909); *Economic Journal*, 1910, p. 158 *et seq.*

[6] By Professor H. S. Foxwell in the *Times*, August 20, 1903.

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One reason was that some of them were already converted, or were in process of conversion, to tariff reform—for the most part on strongly imperialistic grounds. In addition to Professor Hewins, Cunningham, W. J. Ashley and L. L. Price endorsed the new program. Cunningham, to be sure, admitted that universal free trade was still a desideratum, but he saw no way of converting foreign nations to it except by retaliatory duties.[1] All believed a change in policy must come if the empire were to survive. Unity, to be enduring, must be based on solid grounds of economic interest, said Cunningham; talk about imperial loyalty was worthless.[2] But why maintain the empire? To obviate the danger of complete industrial dependence on foreign nations, the historians replied. Price added that the psychological effect of membership in an empire was advantageous. Englishmen would be more hopeful and energetic if they continued to be subjects of a "far-flung empire" whose industry and trade were second to none than if they were inhabitants of a state consisting merely of one or two small islands.[3] The historical school were more obviously nationalistic than their opponents, although their nationalism was not of a very provocative or belligerent sort. Still, references to the danger of dependence on foreign nations implied a certain amount of suspicion and distrust of those nations. Belief in the high destiny of Britain was also expressed. "I . . . am loath to see the English people surrender their share in guiding the destinies of the world", said Ashley. "With all our faults we have, I would fain believe, something in our traditions, our institutions, our conceptions, which should be valuable elements in the world politics of the future."[4] It was not, of course, difficult for Cunningham to point out that the early free-traders had also been nationalistic in their fashion: "There need be no wonder that Cobden and his contemporaries were glad to dispense with the colonies, since care for them was an obstacle to the

[1] *British Association Report*, 1903, pp. 750-51.

[2] *The Rise and Decline of the Free Trade Movement* (1904), p. 154; *cf.* Ashley, *The Tariff Problem* (1920, first published 1903), p. 204.

[3] *Economic Journal*, 1903, p. 493.

[4] *The Tariff Problem*, p. 200.

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scheme which offered good prospects of Anglicizing the whole globe." [1]

Since Chamberlain's day British economists have continued to be divided on the subject of tariff reform, although the balance still appears to incline toward free trade. There are also those who attempt to reconcile the opposing camps. A recent writer, for example, points out that a properly conceived scheme of free trade within the empire may lead to freer intercourse among all nations; such a plan would be flexible enough to allow tariff concessions to foreign countries and would not be inspired by the "pernicious ideal" of economic self-sufficiency.[2]

Whatever the attitude of contemporary economists has been toward changes in British tariff policy, they have shown almost no inclination to deprecate the imperial tie—at least as it exists between Great Britain and the self-governing dominions.[3] On the contrary even some of those who refuse to disown free trade have advocated strengthening the empire in other ways. Thus Professor Nicholson, although somewhat hesitant about entering the tariff controversy, strongly recommended an imperial representative body armed with the power of organizing imperial defense and supporting it by imperial taxation.[4] Perhaps one of the most unexpected defenders of the empire is Mr. G. D. H. Cole, whose socialistic affiliations, one might think, would dispose him against imperialism of any sort. Conscious as he is of the danger to world peace arising from the mere existence of the British Empire—the jealousy and emulation it creates in other countries—he still believes that on a balance the empire should be maintained and even drawn together more firmly.

The world needs not less but more economic and political co-

[1] *The Rise and Decline of the Free Trade Movement,* p. 159.

[2] *Economic Journal,* September, 1929, R. M. Campbell, "Empire Free Trade."

[3] Mr. J. A. Hobson, however, in the vigor with which he upholds the international and cosmopolitan ideal and criticizes all attempts, economic or political, to unify the empire, comes very near saying that even the present imperial connection is to be deplored.

[4] "The Economics of Imperialism" (*Economic Journal,* 1910, p. 158).

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> operation, and there is, in the relations between Great Britain and the self-governing Dominions, no relationship that in any way menaces the world's peace. This cannot be said of that part of the British Empire which is not self-governing; but in this case, too, the deliberate smashing-up of the imperial connection seems to me to offer no prospect of gain at all comparable with the inevitable turmoils and disturbances to which it would give rise.

Closer political union with the dominions, however, he rejects as tending to create chauvinism. It would also, he holds, bring undesirable changes in economic policy, for the dominions would certainly demand and secure taxes on foreign foodstuffs. The result would be a consumers' revolt in Great Britain and the inevitable disruption of the empire. The advantage of the imperial connection, as he sees it, lies in the opportunity it gives for economic coöperation, and while he believes there is no present prospect of replacing foreign by internal markets or of inducing any appreciable number of the unemployed to migrate to the colonies, some steps might be taken which would have very tangible and immediate results. Thus, if it can control the flow of British capital,

> a Labour Government will be free, after meeting the needs of industry at home, to guide an increasing part of the surplus capital available for investment overseas into imperial development, encouraging especially those Dominion services which are the complements rather than the competitors of the home producer. . . . Secondly, to the extent to which the system of bulk purchase of imports is introduced, the Labour Government will be able to give to Dominion producers who can offer supplies at fair competitive prices an assured and stable market for their produce, and thus to stimulate the expansion of output in the Dominions in all that wide range of commodities which Great Britain needs to import. This in turn will obviously have a favourable effect on the possibilities of emigration to the Dominions from Great Britain; and it will be necessary to direct the export of capital in such a way as to harmonize it with schemes for assisted emigration.[1]

[1] *The Next Ten Years in British Economic and Social Policy* (1929), pp. 293-6, 310-11.

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Thus does a modern free-trader avoid the pitfall of preferential tariffs and still find reasons for the continued existence of the British Empire.

Periodically from Adam Smith's time to the present day, Englishmen of the intellectual and governing classes have become somewhat skeptical of the value of the empire. Such times of depression occurred between 1780 and 1800 and again between 1860 and 1880. Economists experienced the same loss of faith and doubtless were in part responsible for it. Very often, however, they were not opposed to imperialism in principle, but merely to the way in which it was being carried on. They objected to colonial policies, not to colonies or colonization. Moreover, if economists were at times pessimistic, they usually recovered their confidence and even helped to restore the credit of imperialism when it became dangerously low. Dean Tucker and James Anderson were followed by Malthus and Wakefield—Cairnes and Thorold Rogers by Cunningham and Hewins. As for Adam Smith, those who attacked and those who defended the empire took comfort in his writings, for when he touched imperial questions he was somewhat like the man who, it is said, mounted his horse and rode off in opposite directions.

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THE PRUSSIAN BUREAUCRACY IN THE EIGHTEENTH CENTURY II *

II

HARMONIOUS coördination of the central agencies of administration, essential to any sound administrative system, was notoriously lacking in eighteenth-century Prussia. Such coördination and unity as there was, was not to be found in the central administrative organs themselves, but in the autocracy of the Prussian monarch. The natural expansion of governmental activity with the progress of the century forced the King to call into existence one independent central agency after another, until at the death of Frederick the Great Prussian administration presented an incongruous array of modern functional ministries of the French type, side by side with the collective General Directory which administered Prussia by provinces irrespective of functions. In the end autocracy became a necessity of the system.

This had not always been the case. In the days of Frederick William I the General Directory had still been the supreme administrative body in the realm and had harmonized the work of the various branches of the civil service. If it lost this dominating rôle under his successor Frederick II, the explanation is to be sought in its internal organization and its methods of procedure. At the time of its origin in 1723 the General Directory was in the first instance a bureaucratic instrument designed to supervise and control the subordinate authorities, the provincial chambers, the rural and local commissaries, and the municipal magistrates. Like all characteristically Prussian administrative agencies it was a "collegiate" body with collective responsibility. Each of its four departments controlled a specified group of more or less contiguous provinces and together they embraced all purely administrative

* The first part of this article was published in the POLITICAL SCIENCE QUARTERLY for September, 1931.—ED.

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functions.[51] These departments with their ministerial chiefs and four or five assistants (*Finanzräte*), possessed no independent competence of *chefs de ressort.* That was vested in all four departments constituted as the General Directory. All resolutions sent to the King and all rescripts forwarded to subordinate bodies were issued in the name of the General Directory as a unit and were signed by all four ministers. The functions of these ministers were identical except for the fact that they were exercised in different provinces and that each of them directed in addition a certain branch of the service such as the postal service or the mint. Each minister had perforce to consider the affairs of the other departments as well as his own. The departments, therefore, far from being independent *bureaux,* were simply subordinate units of the General Directory, a mere device for expediting business more rapidly. Since all authority was definitely located in the General Directory as a unit, each ministerial chief prepared the affairs which concerned his own department only as a preliminary step to common deliberation in a full session of the General Directory. This body met three times a week, thus affording each department but one occasion in eight days to place before it its own proposals. One might be tempted to see in this organization an approximation toward government by discussion, if one did not know that discussion was confined to the application and never extended to the framing of an administrative rule.[52]

[51] The most competent discussion of the work of the General Directory up to 1740 will be found in O. Hintze, *Acta Borussica, Behördenorganisation,* vol. VI, part 1, pp. 158 *et seq.* In 1740 the provinces were apportioned among the various departments in the following manner: Dept. I: East Prussia, Pomerania, Neumark; Dept. II: The Mark Brandenburg and Magdeburg; Dept. III: Cleves, County of Mark, Moers, Guelders, Ostfriesland; Dept. IV: Halberstadt, Minden, Ravensburg, Tecklenburg, Lingen. This division was materially altered after the Seven Years' War. In 1766 Dept. III and IV were merged into one, henceforth called Dept. III. In 1771 the Duchy of Magdeburg was separated from Dept. II and added to Dept. III, so that henceforth all the provinces on the left bank of the Elbe were consolidated into Dept. III.

[52] The most illuminating source on the organization of the General Directory is the instruction which Frederick II issued in 1748. This document constitutes a revision of the instruction written by Frederick William I in 1723. *A. B.,* vol. VII, pp. 552-660.

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The classic period of the General Directory lay between the years 1723 and 1740 when the task of coördinating the various branches of the service was still its own peculiar province.[53] At first glance its activity was comprehensive indeed. With the exception of foreign and judicial affairs, its sphere of competence embraced everything which in the modern state has been assigned to the various ministries. As was inevitable in eighteenth-century Prussia the Directory's most important functions were financial: it superintended the collection of taxes, granted remissions when necessary, and prepared and controlled provincial and municipal budgets.[54] No less important was the profitable exploitation of the extensive royal domains, which in 1740 constituted one fourth of all the land of the Prussian monarchy and yielded one third of the entire public revenue.[55] The Directory collected and correlated an endless variety of statistics from all the provinces and appointed, subject to the approval of the King, all lower officials. While the subordination of the provincial chambers to the General Directory was absolute, the relation between this body and the King was and remained dubious.

It is impossible to offer a clean-cut answer to the query what matters the King reserved for himself and what business he left to the General Directory. An old administrative law of 1708 which classified all matters which were to be sent to the King for decision and signature had long since become antiquated. Roughly it may be said that in all cases where the King had laid down an explicit administrative law the General Directory could issue an order, as the phrase went, "*Auf Seiner Majestät allergnädigsten Spezialbefehl*" or "*par ordre exprès du roi*". This phrase does not signify, as might be supposed, that the King had examined the document, but that it had been issued by the General Directory on the basis of a general decision which the King had made once and for all

[53] O. Hintze, *A. B.*, vol. VI, part 1, p. 151.

[54] A central treasury and budget did not exist, for Prussia was not yet a unitary state. L. Tümpel, *Die Entstehung des preussischen Einheitsstaats* (Berlin, 1915), p. 166.

[55] A. F. Riedel, *Der Brandenburg-preussische Staatshaushalt* (Berlin, 1856).

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time.[56] As a matter of practice, however, royal autocracy was carried to such an extreme that all important matters above the level of ordinary routine business were sent to the King for final decision even when the formal document had been issued by the General Directory.

It goes almost without saying that with the growing complexity of administrative problems an undifferentiated body equipped with such comprehensive functions as the General Directory could not apply to each branch of the service that intensive and expert attention which the latter required. The very multiplicity of duties caused incessant delays in matters that demanded the utmost dispatch. To make matters worse the General Directory had to deal with the King, who worked with astonishing speed and was impatient of the slightest friction. It frequently happened that when the King made a request for some specific information the General Directory, unable to give an immediate reply, as the King had assumed, on the basis of reports and statistics preserved in its record office, had first to gather the data from the provincial chambers and they in turn from the local commissaries and municipal magistrates.[57] Since it required five days for a letter to travel from Königsberg to Berlin and almost as long from Cleves on the Rhine, weeks and months might elapse before the King received the information desired, and then often enough it was incomplete. Frederick II was permanently dissatisfied with the work of the General Directory and there is no doubt that it was the weakest unit in the entire Prussian bureaucratic mechanism. Scarcely a week passed in which the King did not repeatedly reprimand the General Directory for its "criminal delay" which he, according to his mood, attributed either to the indolence of the ministers or to their petty quarrels among themselves.[58] But sober judgment soon con-

[56] M. Hass, "Das Aktenwesen und der Kanzleistil im alten Preussen", *Forschungen zur Brand. u. Preuss. Geschichte,* vol. XXII (1909), p. 521.

[57] The King frequently charged the General Directory, unjustly enough, with keeping irregular records. Minüten, Rep. 96 B 67, *Geheimes Preussisches Staatsarchiv.*

[58] *A. B.,* vol. XII, pp. 63-65. A characteristic retort to these royal charges of negligence was made by minister Boden, January 26, 1754. Frederick had

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vinced the monarch that the basic evil lay in the collective character of the General Directory. Because of it, he was convinced, this body was in constant danger of becoming a nursery of ministerial irresponsibility and, therefore, an unsuitable instrument of effective administrative control.[59]

His dissatisfaction with the General Directory came to a crisis in the first decade after the Seven Years War. The Prussian financial and administrative system had withstood the acid test of the war. Yet the new position which this war had given to Prussia among the Powers of Europe demanded, as Frederick II saw it, a larger army and an increased public income. Whatever the difficulties of increasing taxes in a country notoriously poor and exhausted by the war, the monarch was resolute in his determination to increase his revenues by two million *thalers*. In June of 1765 he turned to the General Directory with the request, not to debate the advisability of the measure, but to coöperate with him in devising the proper means of carrying it into effect. But minister Massow replied on behalf of the General Directory that it was impossible to increase taxes in a country already strained to the utmost by the existing system of taxation. This negative reply caused a complete breach between the King and the Prussian bureaucracy. The crisis did not come as a bolt out of the blue. All those members of the General Directory in whom the King reposed any confidence in financial affairs had died in the course of the war. Now he saw a tangible proof of the unsuitability of the collective character of the General Directory in the inability of this body to answer his

charged Boden with delay in replying to the reports sent to the latter by the provincial chamber. Boden attempted to parry the thrust by stating that he himself read every incoming letter which concerned his department, that he disposed of these matters at the very next session of the General Directory, that he kept a record of all incoming and outgoing letters, that, therefore, it was impossible that any matter should be delayed for longer than a week. *A. B.*, vol. X, pp. 16-18. Such a specious defense never appeased the irate King. His discontent with the General Directory increased with the years, so that gradually he began to advise subordinate officials to discharge certain matters forthwith without consulting the General Directory. *A. B.*, vol. IX, p. 714; vol. X, p. 115; vol. XII, p. 260.

[59] *A. B.*, vol. IX, p. 52.

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query how many pounds of coffee were annually being consumed in the kingdom. The result was the formation of the French *Régie* under the French *fermier* De Launay to collect the excise tax throughout the Prussian monarchy, one of the most extraordinary acts of any monarch in the eighteenth century. But the creation of this French *Régie* in Prussia was not merely the result of the King's preference for French financial institutions. It was an important step in the direction of bureaucratic specialization, for with the *Régie,* embracing as it did all the provinces of the kingdom, there came into existence a special branch of the civil service with its own central, provincial and local officials, independent of the existing Prussian administrative mechanism and responsible only to the King.[60]

The foundation of the *Régie* was not the first separation of an important branch of the service from the General Directory nor was it to be the last. Already in 1741 Frederick II had created a special ministry of commerce which by 1769 had become entirely independent of the General Directory.[61] Other special ministries followed, in 1742 for Silesia, in 1746 for the army, in 1768 for mining, and in 1770 for forestry.[62] In 1751 the King placed the mint under a special official directly responsible to him and in 1766 he did the same thing with the Prussian government bank and the government tobacco monopoly.[63] By thus withdrawing one branch of the administration after another from the jurisdiction of the General Directory the King had achieved a double reform: he measurably increased the rapidity of administrative procedure and introduced the principle of intensive specialization into Prussian administration. The individually responsible chiefs of

[60] W. Schultze, *Geschichte der preussischen Regieverwaltung* (Leipzig, 1888), pp. 28-30. G. Schmoller, "Die Einführung der französischen Régie durch Friedrich dem Grossen", *Sitzungsberichte der preussischen Akademie, Philosophisch-Historische Klasse,* vol. I (1888), p. 63.

[61] O. Hintze, *Die preussische Seidenindustrie im 18. Jahrhundert* (Berlin, 1892), vol. III, p. 189.

[62] The ministry of forestry was suppressed in 1786.

[63] E. P. Reimann, *Das Tabaksmonopol Friedrichs des Grossen* (Munich, 1913), p. 108 *et seq.*

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the new ministries were not hampered by the lumbering methods of the General Directory, and specialization made room for such ministerial experts as Heinitz at the head of the mining department, De Launay at the head of the *Régie,* and Schulenburg in finance and banking.

But the King did not stop here. Not content with the formation of special functional ministries, he proceeded to dissolve the collective solidarity of the General Directory itself, first by ordering individual ministers not to concern themselves with the other members of the General Directory, then by dealing with individual ministers rather than with this body as a collective unit.[64] The cabinet orders addressed to individual ministers increased from year to year in the same proportion as those addressed to the General Directory diminished. After 1770 common decisions of the General Directory were the exception rather than the rule. Each minister had become an all but independent master of his own department. If documents were still signed by several ministers or issued by the chancellery of the General Directory this had become a bureaucratic tradition now devoid of actual significance. The center of gravity in the Prussian administrative system no longer lay in the old territorial departments acting as a collective board, but was moving rapidly into the new ministries with their monocratic chiefs of the French type. The future belonged to these ministries, not to the effete General Directory, which nevertheless continued its nominal existence down to 1806.

This progressive specialization among the central branches of Prussian administration improved not only the quality of the administration but the bureaucracy itself. Once the King had fixed the principles which were to control the new branches of the service, he was relieved of the burdensome necessity of interfering in branches where henceforth uninformed royal

[64] When in 1771 Frederick II appointed Schulenburg minister and member of the General Directory, he ordered the latter and Minister v. Derschau not to concern themselves with the other three members of that body. He told them that, should they coöperate with the other ministers in spite of his warning, then might the devil take them. See the report of this interview with the King written by v. Derschau. Rosenmüller, *Schulenburg,* pp. 42-43.

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intervention would be disturbing and harmful. Able ministers like Schulenburg and Heinitz were left pretty much to their own devices and they soon learned the wisdom of addressing themselves to the King only when they were certain of success.[65] In this way the control of entire provinces and branches of the service imperceptibly passed from the King to the bureaucracy. Since ministers were in no position to suggest incisive administrative reforms and the King was fully occupied in his effort to keep abreast of his most pressing tasks, Prussian administration, frozen in its bureaucratic routine, became conservative and utterly averse to radical change.

But whatever the advantage of bureaucratic specialization, it was accomplished at the enormous expense of unity at the center of affairs. The conspicuous absence of any central point where ministers could exchange views and discuss matters of common concern to all departments had the lamentable consequence of increasing the correspondence between the various departments, already excessive, to appalling proportions.[66] Thus the desire for efficiency and speed, which had inspired the alterations effected by Frederick II, was defeated by the loss of unity. With the foreign office, the department of justice, and the minister of Silesia entirely independent of the General Directory, with this General Directory broken up into as many units as there were ministers, some acting as

[65] When the King found ministers of more than ordinary ability, like Schulenburg and Hagen, he gave them almost half of the entire business of the General Directory. The functions which accumulated in the hands of Schulenburg, for example, swelled to such proportions that he could accomplish his work only by keeping twenty-five private secretaries permanently occupied in his private household. In addition to Department III, Schulenburg was in charge of the stamp department, forestry, the government construction wood monopoly, the "Seehandlung" (a commercial bank), the Prussian bank, the government tobacco monopoly and the mint. It was impossible for even so industrious a bureaucrat as Schulenburg to read alone the enormous volume of reports and requests which daily poured into his office. As it was, Schulenburg was forced to allow considerable freedom to his subordinates, to Lüderitz in forestry, to Rose as chief of the Prussian bank, to C. Struensee as director of the "Seehandlung", to Magusch as chief of the tobacco monopoly. If this was true of a minister, it was much more true of the King. Rosenmüller, *Schulenburg,* p. 62.

[66] O. Hintze, "Das Preussische Staatsministerium im 19. Jahrhundert" *Festschrift zu Schmollers 70. Geburtstag* (Leipzig, 1908), p. 406.

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heads of special branches of the service, others administering the kingdom by provinces, even the semblance of unity in the bureaucracy had vanished. Wöllner was correct in stating that henceforth there were as many ministers of finance as there were members of the General Directory but no minister of finance in the modern sense of the term. This confusion at the center of the bureaucratic mechanism did not become apparent during the lifetime of Frederick the Great, for this monarch, the last dynamic autocrat among the Hohenzollerns, just found time and energy enough to meet the exacting demands which the system placed upon him. His immediate successors, lacking both his intelligence and his personality, were dominated by the bureaucracy.

III

Frederick the Great had been in a fair way of dissolving the General Directory into independent functional ministries as they existed in France, but he stopped short of placing the entire central administration on this modern basis. The loss of perspicuity and simplicity in these central institutions would have been a serious impediment to the efficiency of the Prussian bureaucracy had it not been for the industry of the King on the one hand and the energy, order and methodical procedure of the seventeen provincial chambers on the other. In these chambers the collective principle remained intact. By the force of circumstances they became the most vital centers of the entire bureaucratic mechanism. They were the classic workshops of the Prussian mercantilist state through which by the persistent drill of ever watchful officials the sluggish but infinitely malleable and educable inhabitants of the north German plain were galvanized into an active, thrifty, and the most highly disciplined people of modern Europe. What magnified the importance of these chambers was the fact that the King, impatient of the obstructionist delays of the General Directory, negotiated with them directly over the heads of the central authorities, issuing orders and receiving reports of which the General Directory might or might not be informed. Beginning with 1748 Frederick II for a period of years

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regularly called the presidents of these chambers together in Berlin to discuss with them common measures for the promotion of the commerce and industry of the realm.[67] These presidents must be counted among the most important officials in the kingdom, for although strictly subordinated to the General Directory and socially ranking beneath its members, they surpassed their ministerial chiefs in actual influence and authority.

At first sight the provincial chambers appear to have been preëminently financial organs. They attended to the local treasuries, collected the taxes and the income from the royal domains, and were generally responsible for the prompt and accurate collection of the budgetary income. But they were also the executive organs of Prussian enlightened despotism; they colonized foreign settlers, established new industries and stimulated enterprise among the people. Their most arduous task was indubitably that of internal colonization. Before they could settle the colonists who came from all the quarters of Europe they had first to reclaim sandy wastes, drain swamps and morasses, and that in such a way "that not an acre of arable from which a family can sustain itself remains unoccupied."[68] Their parole was: more colonists, more people, more industries, more commerce and greater production. The end in view was always to achieve that substantial "plus" in revenues which the King never ceased to demand from them. To be able to offer this progressive increase in income was generally considered the most compelling proof of a chamber's efficiency. To this end the chambers observed the movements of commerce, kept in constant touch with local merchants, superintended the fairs in the larger cities, informed themselves on the needs of consumers at home and in the neighboring states, and went out in search of markets for Prussian manufactures.[69] There was not a phase of urban or rural

[67] M. Hass, "Friedrich der Grosse und seine Kammerpräsidenten", *Festschrift zu Schmollers 70. Geburtstag*, p. 195.

[68] Instructions to the chamber of East Prussia. *A. B.*, vol. VII, p. 661. Also instructions to the chamber of the Mark Brandenburg which served as a model for all the others. *A. B.*, vol. VII, p. 688 *et seq.*

[69] H. Fechner, *Wirtschaftsgeschichte Schlesiens*, p. 24.

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life on which they did not issue regulating ordinances.[70] They inspected the private husbandry of peasants and the shops of burghers, and reprimanded and coerced the indolent and careless. Shiftlessness became a public offense.[71] Theoretically they possessed no jurisdiction over the nobility and their private peasants; but as a matter of practice, here too their interference was continuous.[72] Their important activities naturally varied with the economic structure of the province of which they were in charge: in East Prussia, where the royal domains were extensive, their labors were chiefly agricultural; in Silesia they were commercial and industrial; in the Westphalian provinces they were concerned chiefly with the development of the mining industry; in Ostfriesland, with the promotion of the herring fisheries; and in Magdeburg, with the government salt monopoly.

[70] The Prussian monarch claimed and exercised the *jus eminens* or the right to interfere in the private property of subjects in the interest of the welfare of the community at large. Private business enterprises were regulated by government concessions, by government *règlements* and guild statutes. No subject could change his place of residence from one city to another without government permission and an official pass, nor could he travel without coming into contact at every turn with bureaucratic controls, government guards and other officials at the gate of every town. The care for wards was in the hands of the public authorities. Every municipal expenditure above 10 *thalers* required the consent of the government. Cities had ceased to be independent municipal corporations and were now organs of the bureaucracy.

[71] Chambers were instructed, "dass wenn sich unter den Bürgern liederliche Wirthe finden, sie solche anfänglich mit Worte ernstlich ermahnen, wenn solches aber nichts fruchtet, sie durch gehörige Zwangsmittel zur besseren Wirtschaft anzuhalten sich bemühen." Instructions to the chamber of East Prussia, *A. B.*, vol. VII, p. 661.

[72] All law suits between serfs and their noble lords were brought before the provincial courts, called the "Regierungen". In doubtful cases a mixed commission consisting of the members of the "Regierung" and the provincial chamber decided which of these two bodies was competent. The provincial chambers had the right and the duty to interfere in the estates of the nobility when the noble lord imposed new and unlawful feudal services upon his serf, or evicted a peasant from his holdings and refused to replace him with another peasant, thus consolidating the peasant holding with his private estate. *A. B.*, vol. XI, p. 148; vol. XII, pp. 382, 234-243. Conflicts between the chambers and the "Regierungen" were continuous, because the members of the chambers were representatives of the state while those of the "Regierungen" were spokesmen of the landed and feudal interests of the nobility.

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Nothing can be more illustrative of the peculiarities of the Prussian bureaucracy than an exposition of the procedure of these chambers. Stein and later Bismarck singled out their "collegiate" or collective character for unsparing criticism.[73] No doubt, the labors of the chambers proceeded at a pedestrian pace. There were countless formalities to be observed before any measure was adopted. Not every measure adopted was a distillation of the composite wisdom of the twenty to thirty members of the chamber; often a proposal was smoothly accepted on the simple motion of one or two members, without much discussion. Yet in a semi-feudal state such as Prussia, where monarchs fought tooth and nail against a feudal conception of public office, the principle of collective responsibility was an excellent means of educating the official to be objective in his judgments. In a body where one official controlled another and all must answer for the actions of each, grosser forms of corruption, flagrant errors of inadvertence or ignorance were rendered extremely difficult if not altogether impossible. If their lumbering methods often exasperated the King, who was impatient to see his vast projects carried to fruition, it should be stated that they were punctiliously exact in the impersonal application of the directions given to them from above. Whatever else their failings, corruption was not among them. Never, said Toulongeon, an observant contemporary French traveler, had he seen so little corruption as in the Prussian bureaucracy.[74]

With its president, two directors, fifteen to twenty regular members (*Kriegsräte*), and a host of subaltern officials, secretaries, scribes, record keepers and accountants, the provincial chamber was a numerous body of officials with highly specialized functions. It was a general rule to employ no civil servant in his own native province where family connections and property holdings might influence his official attitude. The president and the two directors guided the activity of the chamber, but the brunt of the burden fell on the

[73] G. Müller, *Bismarcks Gedanken über den Staat* (Hannover, 1923), p. 26.

[74] Finot et Galmiche, *Une mission militaire en Prusse en 1786* (Paris, 1881) p. 205.

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members themselves. Although the King might from time to time employ these presidents much as the French kings employed their *intendants,* they also were bound by the collective decision of the chamber. Nothing was done save by common deliberation and decision.

The business of the chamber was divided in such a manner that each member was placed in charge of one of the departments as his sphere of primary competence. This departmental head brought all matters which concerned his sphere of labor to the attention of the chamber.[75] As a precaution against error or corruption, however, another member of the chamber was assigned to the same department in the quality of a scrutineer who controlled the departmental head at every stage of the procedure. In this way two members were responsible to the chamber for the affairs of each department, the *Referent,* the official actually in charge, and the *Coreferent,* the controlling official. The latter familiarized himself in advance with everything which the departmental head brought before the chamber, participated in the discussion of each measure, signed the document together with the head and bore part of the responsibility.[76] His function was to control the honesty of the departmental chief and guarantee the correctness and legality of the decree. All the members of the chamber met in common session four times a week. Discussions were brief. If after a reasonable interval no unanimity of opinion was achieved, the vote was taken, the minority opinion recorded and sent along with the measure to the General Directory for final disposition.[77] This procedure offered a certain security for accuracy and thoroughness, but because of the formalities which had to be observed it was a serious hindrance to the speedy dispatch of business.[78]

All incoming cabinet orders, rescripts and reports from sub-

[75] Each member of the chamber was in charge of a special department which usually included a number of cities, several royal domain farms, and one or two rural districts or "Kreise". For the manner in which these duties were divided see *A. B.,* vol. IX, pp. 89-91.

[76] M. Bär, *West Preussen,* vol. I, p. 76.

[77] *A. B.,* vol. VII, p. 688.

[78] *Ibid.,* pp. 664, 688.

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ordinate authorities were opened and read to the assembled chamber at the first session after their arrival.[79] The president kept a special "journal" in which he recorded the date and nature of every incoming and outgoing document and the name of the member of the chamber to whom it had been assigned for expedition. This "journal" was kept in such a manner that the president could see at a glance every stage through which each piece of business had passed. One can glean some notion of the complexity of this bureaucratic procedure by following the course through which each measure must pass before it was finally disposed of. After the *Referent* had proposed his decision and the *Coreferent* had criticized and the chamber as a collective body had discussed and accepted it, the document was sent to the secretary's office where it was written out by stylists and calligraphers. This document, called the *Conzept,* was sent back to the chamber where it was revised by the two directors and the two members of the chamber responsible for it. This revised document was then once more sent to the secretary's office to be written out in its final form, which was called the *Mundum.* Then first was the document signed by the *Referent* and *Coreferent,* by the two directors, and finally by the president himself, and sent into the mails.[80]

It will be seen at once that though any bureaucratic system involves a considerable measure of red tape or, as the French more aptly call it, *paperasserie,* in Prussia this was the very essence of the bureaucracy. The Prussian bureaucrat lived, moved and had his being among paper documents. Every item on the docket, however insignificant, required a separate document and before it passed through the entire bureaucratic hierarchy and was finally disposed of a voluminous *dossier,* consisting of a score of documents, often accumulated. So inextricably was the work of the Prussian bureaucracy bound up with its written documents that no member of any

[79] *Ibid.*, p. 690.

[80] The principle of collective responsibility was taken seriously enough. Any member on a journey through the province had the right to examine cities or domains which lay in the department of another official and report his findings to the chamber.

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chamber could discharge his duties without continuously referring to these accumulated records, tax-assessment rolls, old accounts, cabinet orders, rescripts and royal domain contracts which contained both the directions and the information to guide him in his decisions. To write these numerous documents, to record, classify and preserve them, to examine the accuracy of accounts and control the activity of the members of the chamber required a considerable staff of subaltern officials, sometimes forty or fifty men. All these secretaries, scribes, recorders and preservers of documents, accountants and *contrôleurs* were organized in a special body, called the *Kanzlei.* The director of the *Kanzlei* facilitated a close coöperation between these subaltern officials and the regular members of the chamber. He must be able to produce on a moment's notice any document preserved in the record office. The function of the *Kanzlei,* therefore, was to enable the chamber to perform its labor with the greatest efficiency and a minimum loss of time.[81]

It should be observed that no distinction was drawn between subaltern and higher officials. Since practical experience was held to be more valuable than a university education, some years of service in a subaltern post gave the best preparation for a higher position. A subaltern could rise to the highest office in the bureaucracy. It may be said in fact that under Frederick II a career was open to talent. It was only in the nineteenth century that Prussia deprived the subaltern of the possibility of advancement.[82]

It was paper that set the intricate bureaucratic mechanism in motion. This had its undeniable advantages, for the Prussian bureaucracy possessed accurate and detailed records on every phase of its activity. Yet the exaggerated prominence given to the written document sometimes defeated the object of a measure. It fostered the illusion in high circles that when all the bureaucratic formalities had been properly observed and

[81] See the detailed "Kanzlei-Reglement" which the Silesian minister Schlabrendorff wrote for the Glogau chamber, June 16, 1756. *A. B.,* vol. X, pp. 511-549.

[82] W. Naudé, "Zur Geschichte des preussischen Subalternbeamtentums", *Forschungen zur Brand. u. Preuss. Geschichte,* vol. XVIII (1905), p. 366.

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the documents were in perfect order, the problem had been duly settled. Furthermore the procedure was cumbersome and slow and there was no guaranty that the chambers would accomplish their tasks within the allotted time.[83]

The King and the higher officials made heroic efforts to meet these difficulties. There runs through the century the incessant effort to simplify the procedure, to reduce the number of documents and reports to an absolute minimum, and to accelerate the administrative process.[84] On the other hand devices were multiplied to control subordinate officials and to probe the accuracy of documents. The most elementary of these devices were the countless instructions issued to every official from the minister to the humblest collector of the excise at the gate of every town. There were detailed instructions for ministers and the General Directory, for the presidents of provincial chambers and for the chambers themselves, for local commissaries and municipal magistrates. No official was without them. They were drawn up with the greatest care and attention to detail. In the case of ministers and presidents of provincial chambers the King wrote them himself.[85] These instructions prescribed with pedantic accuracy

[83] There was a saying among local commissioners that "wenn Sie die Akten nur bei der Kammer haben, dann ruhe wohl". I. D. Richter, *Finanzmaterialien* (Berlin, 1789), vol. III, p. 60.

[84] It was especially in the Silesian chambers that strenuous efforts were made to reduce the amount of writing and the number of reports and increase the rapidity of the administrative process. *A. B.*, vol. X, pp. 255-263.

[85] There exist so many instructions already in print that it is possible here to refer only to representative documents of this character. Instructions given to Minister v. Massow in 1753: *A. B.*, vol. IX, p. 667; to the General Directory: *A. B.*, vol. VII, pp. 552-660; to the provincial chambers of East Prussia and of the Mark Brandenburg: *A. B.*, vol. VII, pp. 661 *et seq.* and 688 *et seq.* Instructions given to provincial chambers were revised from time to time as that given to the chamber in Breslau in 1755: *A. B.*, vol. X, pp. 255-263. Of the instructions which the King wrote for the presidents of provincial chambers, the one issued to Domhardt in 1782 may serve as a fair example: I. D. E. Preuss, *Friedrich der Grosse* (Berlin, 1834), vol. IV, pp. 377-382; also that given to Korkwitz in 1780: R. Stadelmann, *Preussens Könige in ihrer Tätigkeit für die Landeskultur, Friedrich der Grosse* (Leipzig, 1882), No. 272. All important instructions for the chamber of accounts have been printed by G. Hertel, *Die preussische Ober-Rechnungs-Kammer* (Berlin, 1884), pp. 19-80. Instructions for local and rural commissioners be-

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every step and every precaution which the official must take in the daily performance of his duties. They were his *règlement* which he must observe on pain of being summarily dismissed. These instructions were guarded with the utmost secrecy and could not be betrayed to any one not directly concerned. The work of the bureaucracy was performed in the strictest seclusion and privacy. This secrecy made Prussian officials a group apart from the rest of the population and because the public learned little or nothing of their activity, their work was sheltered from organized public analysis. Few officials ventured to violate the injunction of secrecy. We are told that there were officials who would not betray whether their superior wrote with a goose quill or a steel pen.[86] This secrecy in which the work of the Prussian bureaucracy was shrouded had its good reasons, for the prestige of the Prussian state in the eighteenth century depended largely on the circumstance that the Great Powers of Europe learned only of Prussian energy and activity and either grossly overestimated or underestimated Prussia's actual resources.

The efficiency and speed of the bureaucracy depended on the faithfulness with which instructions were enforced. Responsible ministers and agents of the General Directory from time to time toured the provinces to assure themselves that instructions were being duly observed.[87] But the possibility of connivance of these officials with the provincial chambers rendered this guaranty insufficient. To make assurance doubly sure, the King maintained a system of supervision of his own, independent of the regular bureaucracy. There was in the General Directory and in every provincial chamber a special royal agent, called the *Fiscal,* who was at once a royal spy and a royal prosecuting attorney. Subject to no other authority

ginning with the year 1766 have been printed in a volume now not easily accessible, I. D. Richter, *Finanzmaterialien* (Berlin, 1789), *passim*; other instructions for rural commissioners have been printed by M. Bär, *West Preussen, Quellen,* vol. II, No. 138.

[86] Even Mirabeau who is generally well informed of the domestic affairs of Prussia has little that is instructive to say on the Prussian bureaucracy. Mirabeau, *La Monarchie prussienne* (London, 1788), vol. IV, p. 634.

[87] *A. B.*, vol. IX, p. 432.

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than that of the King, these agents supervised the observance of instructions and the execution of royal orders and reported every infringement or suspicion of irregularity directly to him.[88] These formidable agents had access to all the documents of every official, they inspected the local treasuries and were admitted to all discussions and meetings. No phase of official activity escaped their scrutiny. There were *Fiscale* for the royal domains, for the police and for the courts. They permeated the entire system. Wherever there was a responsible official there was also the ever-watchful eye of the *Fiscal*. He must throw himself into the breach wherever the artfully constructed system of control mechanisms failed to function as desired. Reports of official delinquencies led to frequent dismissals. No Prussian official, whether minister or subaltern, was secure against summary dismissal. No monarch ever punished corruption, insubordination or incompetence more swiftly or more ruthlessly. Each year brought its harvest of dismissals.[89]

But no system of supervision and control can be made watertight which does not continuously test the quality of its personnel. To meet this need Prussian monarchs struck upon the device of requiring annual secret *Konduiten-Listen* or conduct reports on every official in the realm beneath the rank of a minister.[90] The most important of these were the annual reports which the presidents of the provincial chambers sent to the King on all members of the chamber, on local and rural commissaries in charge of the towns and rural districts. These reports are the most valuable source we have on the standards of efficiency which were applied to Prussian officials in the

[88] O. Hintze, *A. B.*, vol. VI, part 1, pp. 194-196; *A. B.*, vol. IX, p. 646; vol. XII, p. 46. M. F. Bassewitz, *Die Kurmark Brandenburg vor 1806* (Leipzig, 1847), p. 53.

[89] The editors of the *Acta Borussica* have included among their documents a number, assuredly not all of them, of such dismissals from 1751-1756. *A. B.*, vol. IX, pp. 1-13, 165, 190, 279, 284, 285, 299, 323, 421, 493, 525, 550; vol. X, pp. 2, 3, 35-40, 251, 287, 419. The reasons for these dismissals are variously given as malversation of funds, making excessive estimates for expenditures, insubordination, incompetence, old age, etc.

[90] There were conduct reports on the officers in the army, judges, justiciars, pastors and teachers. *A. B.*, vol. VIII, pp. 129, 249, 649, 663, 563, 565, 713.

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eighteenth century, for they constituted the basis of royal judgment on the capacity of his civil servants. Only a few of these reports have been preserved. They indicate the official's previous and present occupation, his salary, the amount of the surplus he had contrived to gain for the royal treasury, the number of people he had colonized in the area committed to his charge, whether he was an expert in his present post or in some other branch of the service, whether he possessed original ideas or plans for the improvement of the service, whether he was slow or quick in expediting his duties.[91] Every official was alive to the fact that his entire future depended on favorable conduct reports. He was under no temptation to display more independence of judgment or initiative than was compatible with perfect submission to his superior. The opinions and wishes of his superior soon became the criterion for his official conduct. The system worked admirably enough when the King could rely on the wisdom, fairness and ability of the presidents of the provincial chambers. But Frederick II was never completely satisfied with these important officials, as may be seen from the fact that among the 41 presidents of chambers who held office during his reign only 6 died in office while 21 were dismissed on grounds of infirmity, old age or incompetence.[92]

Under the preposterous and degrading tyranny of an incompetent superior the psychology of the Prussian bureaucrat had to be that of surrender. For the bourgeois official of strong character who refused to tread the sneaking paths of prudence there was no alternative to submission, for the notion of a special legal competence guaranteed by a fixed administrative law did not exist in eighteenth-century Prussia. But whatever the merits or demerits of such secret conduct reports, they had the effect of introducing the principle of military

[91] See the amusing instructions which Frederick II issued to Platen, the president of the Magdeburg chamber, on how to draw up his "Konduiten-Listen". *A. B.*, vol. VIII, pp. 562-565. The few conduct reports which have come down to us date from the period before the Seven Years' War. These have been printed in *A. B.*, vol. X, pp. 155-162, 202-210, 4-12; for the Lithuanian chamber see Rep. 96, 411 G, *Geheimes Preussisches Staatsarchiv.*

[92] M. Hass, *Festschrift zu Schmollers 70. Geburtstag* (Leipzig, 1908), p. 211.

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subordination in the bureaucracy, made all the other control devices more effective, and reinforced the principle that everything that was done must be done in response to a command issued from above. These reports served as the basis for advancement, for transferring an official from one branch of the service to another, and for dismissing incompetent or unreliable officials. On receiving such a conduct report the King might silently remove a delinquent member of a chamber without informing the other members what had befallen their friend. He might send the offending official to the Spandau prison, the Prussian Bastille, without a hearing and without a public judgment.[93] Although special commissions might be appointed to try the irregularities of more important officials, both they and their subordinates were wholly without legal rights and were frequently dismissed or imprisoned without a trial on the simple recommendation of the superior. Ordinary citizens who could not be condemned without trial or witnesses were situated much more favorably. The bureaucrat was the galley slave of the state. To collect a single unauthorized *thaler* of taxes, to determine alone, without the coöperation of the chamber, the tariff on several pounds of goods, or only to make an official journey without special documentary permission, were offenses which were punished with the same severity as similar offenses in the army.[94] The deeper meaning of these secret conduct reports can be understood only in connection with the countless controls, instructions and regulations which hedged the Prussian official at every turn. The entire bureaucratic mechanism was based on the assumption that no official could be trusted any further than the keen eyes of his superiors could reach.

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[93] Spandau was a much less formidable institution for private citizens than it was for Prussian bureaucrats and army officers.

[94] Frederick II once wrote to the president of a provincial chamber that should he ever be caught collecting one *thaler* more taxes than the tax registers allowed—"dann auf ewig in die Festung". *A. B.*, vol. VII, p. 717.

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MARTIAL LAW, YESTERDAY AND TODAY

WHAT with martial law holding sway in Harlan County, Kentucky, with it a still recent memory in the forest ranges of Idaho, in the cow country of Iowa and the oil regions of Texas and Oklahoma—to say nothing of the prospects as to other parts of the country—the question of its nature and scope under the Constitution becomes a vitally interesting one, and one which, let it be said at once, Dr. Fairman has handled most completely from his chosen angle.[1] He has read substantially everything on the subject that is worthy of attention; he has shown unusual perspicacity in identifying the important questions to which it gives rise; and he has returned well-considered answers to these—where they are answerable—in clear and orderly fashion. A single volume, however, cannot attempt everything. Dr. Fairman's endeavor has been to give us *The Law of Martial Rule,* and he has done so most satisfactorily. In the following pages an attempt is made to sketch briefly the development of the subject as a whole. From this angle certain material that Dr. Fairman considers but casually or only refers to becomes of significance. Nor, of course, should he be considered as sponsoring all of the interpretations and opinions advanced in the paragraphs which follow.

The whole subject of martial law has long been involved in almost inconceivable confusion, from which Dr. Fairman's book does much to rescue it. The Petition of Rights of 1628 forbade "commissions of martial law". The immediate occasion for this provision was furnished by the fact that Charles I—following a bad example set by several of his predecessors—had haled certain of his subjects before military courts for offenses against the ordinary law. But, whether with design or not, the sweeping terms of the prohibition gave countenance to the claim, soon advanced by the King's enemies, that it forbade courts martial even for the trial of soldiers charged with breaches of discipline. By this view a standing army became impossible, and James II's endeavor to maintain one in the face of it was a principal cause contributing to his forced abdication. From 1690 on a standing army was rendered possible in England only by the annual enactment by Parliament of the

[1] *The Law of Martial Rule,* by Charles Fairman. Chicago, Callaghan and Company, 1930; viii, 283 pp. $4.00.

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Mutiny Act, authorizing courts martial for the maintenance of discipline in the army but for no other purpose. At the same time, and out of the facts just recorded, arose the dogma that "the common law knows nothing of martial law." Dr. Fairman quotes numerous English authorities, reaching indeed far down into the nineteenth century, who ring the changes on this theme: martial law has "no place whatsoever in this realm"; it can never be resorted to without parliamentary authorization; since the time of the Stuarts it has been "a totally exploded thing"; "it is the most unconstitutional procedure conceivable"; "no authority for anything of the sort can be found"—a chorus which a recent American writer swells with the asseveration that martial law "is a threat . . . a mere bluff. There is under the Constitution [of the United States] no such thing".[2] But meantime another theory had also made its appearance and had received coherent form in Sir James Stephen's *History of the Criminal Law* and Professor Albert Venn Dicey's famous *Introduction to the Study of the Law of the Constitution*, which were first published in the years 1883 and 1885 respectively. It will suffice to notice the latter author's treatment of the subject.

Dicey begins by paying his devoirs to the superstition that martial law is foreign to English legal institutions. He says: "Martial Law, in the proper sense of the term, in which it means the suspension of the ordinary law and the temporary government of a country or parts of it by military tribunals, is unknown to the law of England". But he straightway adds:

> Martial Law, as a name for the common right of the Crown and its servants to repel force by force in the case of invasion, insurrection, riot, or generally of any violent resistance to the law, [is a power] essential to the very existence of orderly government, and is most assuredly recognized in the most ample manner by law. It is a power which has in itself no special connection with the existence of an armed force. The Crown has the right to put down breaches of the peace. Every subject, whether a civilian or a soldier, whether . . . "a servant of the government" . . . or a person in no way connected with the administration, not only has the right, but is, as a matter of legal duty, bound to assist in putting down breaches of the peace. . . . If, then, by martial law be meant the power of the government or of loyal citizens to maintain public order, at whatever cost of blood or property may be necessary, martial law is assuredly part of the law of England.[3]

[2] *Ibid.*, pp. 20-22.

[3] Dicey, *Introduction to the Study of the Law of the Constitution* (7th ed.), pp. 283-87.

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In brief, Dicey's theory of martial law at this date summed itself up in the following propositions: (1) Aside from the Crown's right to put down breaches of the peace, martial law does not depend upon any official prerogative, but upon a right and duty shared by all. (2) Martial law is not *established* by the customary official declaration of its existence, but arises "from the nature of things"—it is, in fact, "the law of paramount necessity". (3) The necessity of martial law, therefore, as well as of whatever measures are resorted to in its name, is a matter to be "ultimately determined by a judge and jury". Lastly the measures thus taken must be purely of a "preventive" nature—martial law cannot punish.[4]

"Martial law", in other words, is little more than a general term for the operation in situations of public emergency of certain well known principles of the common law—the right of self-defense of the individual, his right—attended by the correlative liability—to abate a nuisance, his right and duty to arrest one whom he knows to have committed a felony or whom he observes in the act of committing a breach of the peace. But if the individual exceeds the rights of "self-help" just enumerated, then he himself becomes subject to the penalties of the law notwithstanding the excellence of his motives, and only an omnipotent Parliament can save him from the unpleasant consequences of his zeal by an act of indemnity.

The judicial history of martial law under the Constitution opens with the case of *Luther v. Borden*,[5] which grew out of Dorr's insurrection in Rhode Island in the year 1842. In meeting the situation caused by the insurrection, the legislature of Rhode Island had declared martial law, and under the authority thus created Luther's house had been invaded and Luther himself put under arrest. The majority of the court held that the questions raised by the case were "political" and so not within the judicial province to decide; but Justice Woodbury, in a dissenting opinion, argued at length that in thus declaring martial law the Rhode Island legislature had exceeded its powers under the Constitution of the United States. "By it [martial law]", said he, "every citizen, instead of reposing under the shield of known and fixed laws as to liberty, property, and life, exists with a rope round his neck, subject to be hung up by a military despot at the next lamp-post under the sentence of some drum-head court-martial." Such a régime, he insisted, could exist under the Constitution only as an incident of

[4] *Ibid.*, chap. viii.

[5] 7 How. 1.

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the rights of war, which belong only to the national government; for not only can Congress alone declare war, but the states are forbidden to engage in it without consent of Congress. "All other conditions of violence", he continued, within the states "are regarded by the Constitution as but cases of private outrage, to be punished by prosecutions in the courts; or as insurrections, rebellions, or domestic violence to be put down by the civil authorities, aided by the militia; or, when these prove incompetent, by the general government, when appealed to by a state for aid;" and it was only in the last instance that, following a declaration of war by Congress, martial law might be resorted to. The majority of the Court, however, while conceding that "military government" would not be "a republican form of government" in the sense of the Constitution, were of opinion that the situation in Rhode Island had been "a state of war" and that the local government had been within its rights in resorting "to the rights and usages of war". It added, nevertheless, that in such a situation "no more force . . . can be used than is necessary to accomplish the object. And if power is exercised for purposes of oppression, or any injury wilfully done to person or property, the party by whom, or by whose order, it is committed would undoubtedly be answerable". Just how this accountability was at that date supported by the Constitution of the United States, or whether it was so supported, the opinion does not indicate.

The President's powers in relation to martial law were first dealt with by the court in the Prize Cases,[6] and then only in implication. It was there held that the President, by virtue of his power as Chief Executive and his power as Commander-in-Chief, was entitled to treat a region which *he* found to be in insurrection as enemy country and thereby strip all of its inhabitants of their constitutional rights. The case thus builds upon the proposition in *Luther v. Borden* that *an insurrection may be treated as constituting a state of war;* but it pursues this proposition to its logical conclusion. For if insurrection is war, then the scene of it is a seat of war, and the difference between martial law and miltary government becomes merely one of probable duration and objective. Such being the case, the possibility of a judicial remedy for acts performed by the executive authorities in the suppression of insurrection, except possibly in the extremest cases of outrage, becomes negligible.

The authority, however, of the Prize Cases as a definition of the President's power in the employment of martial law was soon super-

[6] 2 Bl. 635.

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seded, for the time being at least, by that of *Ex parte Milligan*[7] in which the conception of martial law as resting on the war power and as measured by its rights, was superseded by the English conception of it as a law of necessity to be determined ultimately by the ordinary courts. The salient passage of the majority opinion in the Milligan case bearing on this point is the following:

> If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for, if this government is continued after the courts are reinstated, it is a gross usurpation of power. Martial rule can never exist where the courts are open, and in proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war.

In later editions of his work Professor Dicey quotes the above passage from *Ex parte Milligan* with approval, leaving the inference that he regards it as supplying a necessary supplement to his own theory. This inference can by no means be conceded. In the first place, Dicey has explicitly stated that martial law may only adopt preventive measures and never punitive measures; and in the second place, this limitation upon its use necessarily results from his grounding martial law upon the common law rights and duties of the *subject* rather than upon any *official* prerogative. Nor does his suggestion that when the civil courts are closed on account of violence, they cannot be said to have been *displaced* by the tribunals through which martial law is administered, help out his argument, the more especially as he himself admits that the test whether the courts are closed is too narrow a one for the determination of the question whether martial law is necessary. In the matter of leaving this question ultimately with the civil courts, Dicey's theory and the doctrine of the majority of the Supreme Court in the Milligan case are, however, in harmony with one another.[8]

What, then, is the relative standing today of the Prize Cases and *Ex parte Milligan* as regards the question here under discussion? Unmistakably the advantage lies with the earlier rather than the later

[7] 4 Wall. 2.

[8] Note X, pp. 538-55 (7th ed.).

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precedent. Since the Civil War era few significant cases have reached the Supreme Court touching the subject of martial law, and none touching directly the subject of Presidential power in this field. In recent years, however, state governors, confronted by labor troubles and accompanying disorders, have issued declarations of martial law in a number of cases which have been passed upon by state courts of final jurisdiction; and from the decisions thus resulting two lines of doctrine have emerged, corresponding in general to the lines of doctrine just traced, but with a significant difference as respects that line which derives from *Ex parte Milligan*. Thus the Supreme Court of West Virginia has not hesitated to model its decisions directly on the Prize Cases, asserting that any serious disorder or "insurrection" may be treated as war, and that the determination by the governor of the state that martial law is necessary is conclusive on the ordinary courts, no less as regards that martial law which embraces the power to punish through courts martial than as regards the power to take preventive measures.[9] Furthermore, even the more conservative doctrine of other state courts concedes the conclusiveness for the civil courts of the governor's finding that martial law is necessary, although confining this concession to so-called "preventive" martial law.[10]

The Supreme Court has moreover endorsed this second line of doctrine, albeit without condemning the first. The case referred to is *Moyer v. Peabody*,[11] decided in 1909. Moyer was suing Peabody for an imprisonment ordered by the latter while he was governor of Colorado. It is admitted by Justice Holmes, speaking for the Court, that the courts of the state were open at the time. It is also admitted by him, "as it must be, that the governor's declaration that a state of insurrection existed is conclusive of the fact." Furthermore it is assumed, he states, "that the governor, without sufficient reason but in good faith, in the course of putting the insurrection down, held the plaintiff until he thought that he safely could release him." In the face of these admissions—or rather on the basis of them—the Court held that Moyer had no action. Quoting the constitution and statutes of the state to the effect that the governor was empowered to employ the national guard to suppress insurrection, the opinion proceeds:

[9] Fairman, *op. cit.*, pp. 152-57, and cases there cited.

[10] *Ibid.*, pp. 157-61, and cited cases.

[11] 212 U. S. 78.

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> That means that he shall make the ordinary use of the soldiers to that end; that he may kill persons who resist, and of course, that he may use the milder measure of seizing the bodies of those whom he considers to stand in the way of restoring peace. . . . So long as such arrests are made in good faith and in the honest belief that they are needed in order to head the insurrection off, the Governor is the final judge and cannot be subjected to an action after he is out of office on the ground that he had not reasonable ground for his belief. . . . When it comes to a decision by the head of the State upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment. Public danger warrants the substitution of executive process for judicial process.

The opinion thus brushes aside as immaterial the fact that the courts were open. In spite of that fact the governor's finding that an insurrection existed was held to be conclusive. Also, his finding that the arrest and detention of Moyer was a necessary measure toward putting down the insurrection was accepted as conclusive, and this in face of the admission that it was "without sufficient reason" although made "in good faith." The decision, to be sure, is based on the constitution of Colorado, but the difference between that instrument and the Constitution of the United States in respect of the latitude permissible to executive power, when joined with the power of Commander-in-chief, in the employment of martial law is not apparent.

It is, on the other hand, essential to note also what *Moyer v. Peabody* does not hold. The executive measures which were there involved or to the possibility of which the court adverts were *defensive* or *preventive* in character—were not *punitive*. The case does not therefore necessarily affect the condemnation in *Ex parte Milligan* of resort to military tribunals when the ordinary courts are open, for the purpose of inflicting *punishment*. Nor does the Court assert that a condition of insurrection found by the executive necessarily constitutes "a state of war" as a condition which is convertible by executive mandate into "a state of war". On that point, following recent rulings of the British courts, it might in a case raising the question demand evidence; although, on the other hand, its reticence in this respect may have been due to the fact that it was deciding a state case, accompanied by the reflection that the states are without the war power.[12]

In either event, *Moyer v. Peabody* leaves the authority of *Ex parte Milligan* seriously shaken. And it should be added that the general

[12] Fairman, *op. cit.*, p. 104.

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effect of the British cases just alluded to is the same so far as the parallel precedents upon which Professor Dicey relies are concerned. One of the most important of these cases was *Ex parte Marais,* which arose in South Africa during the later stages of the Boer War. With respect to the issues in which we are interested the case stands on all fours with the Milligan case, and the decision of them which was reached by the Judicial Committee of the Privy Council, the final judicial authority for the Dominions, was substantially the reverse of that reached by the Supreme Court in the earlier case.[13] In the seventh edition of his famous treatise Professor Dicey undertook to explain these results away but with very indifferent success.

Certain other matters may be disposed of more briefly. The first is the question whether martial law serves to suspend the privilege of the writ of *habeas corpus* in the affected region? Practically it does; for although there might be courts either within or outside the district under military control where the writ could be obtained to test the validity of the declaration of martial law, yet once this was established the writ could not be used to challenge the validity of acts done by its authorization within the district.[14] No doubt, a more general suspension of the privilege would have to be by act of Congress.

Also should be noted the interesting implication of the doctrine of the Neagle case[15] that there is "a peace of the United States" in connection with the President's power to employ martial law, as well as his power to employ military force in execution of the laws of the United States. A general condition of disorder, although it did not have the authority of the national government or any of its laws as a specific target, might on this ground furnish basis for Presidential intervention, even in lack of an application from the state authorities for aid against "domestic disorder".

Finally, the question arises, where are we to look for a constitutional check upon the President's power to employ martial law? Obviously we must look to Congress. The basis of martial law is always the necessity of the case, whether or not the President is entitled to determine the existence of such necessity in a way to bind the courts. But whenever necessity is the basis of national power then the final say rests with Congress by virtue of its powers under the "necessary and proper" clause; and an act of Congress,

[13] *Ibid.*, chap. vii.

[14] See Craig v. Hecht, 263 U. S. 255.

[15] 135 U. S. 1.

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whether for the purpose of defining beforehand the occasions warranting a declaration of martial law, or for the purpose of terminating or qualifying a current exercise of it, would be binding on the President by virtue of the very duty which he ostensibly discharges when he resorts to martial law—the duty to "take care that the laws be faithfully executed." Nor has the President any prerogative as Commander-in-chief to employ martial law against domestic disorder except in the performance of this duty, in other words, as an instrumentality of law enforcement. Nor would a Presidential "declaration of war" survive a counter declaration by the war-declaring power.

Such is the theoretical argument. At the same time the practical efficacy of this limitation upon a resolute President may well be questioned. A statutory rule definitive of occasions requiring martial law would have to be in such broad terms as to leave it at the mercy of interpretation. On the other hand, for Congress to interfere with an existing declaration would require, in the face of a certain veto, a two-thirds vote in each house. We thus see illustrated the critical importance of that course of reasoning whereby the initiative has come to be attributed to the President in the presence of emergency conditions, whether at home or abroad.

To sum up: It was a Whig dogma following the Glorious Revolution that the English Constitution did not know martial law, except as it was authorized from year to year by Parliament for the government of the army; and framed as it was under the influence of this dogma, the Constitution of the United States contains no reference to martial law less remote than in the provision which it makes for the suspension of the *habeas corpus* privilege in cases of insurrection and invasion when the public safety shall demand it. Toward the close of the nineteenth century important English authorities began to recognize frankly that the common law did after all, in practical effect, permit something like martial law by admitting the plea of necessity for acts of force performed in the prevention and repression of riot and insurrection; but such acts were asserted to be equally justifiable whether performed by private persons or officials, and the ordinary courts were the ultimate judge of their necessity, with however the possibility—indeed, the probability—always existing that such acts performed in good faith even though in excess of necessity, would be indemnified by act of Parliament. Meantime, in the United States the doctrine had appeared that to establish martial law in cases of necessity was one branch of the executive

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prerogative, although on the important question whether an executive determination that such necessity existed was final or was subject to judicial review there was diversity of opinion. Prevailing doctrine nowadays, both British and American, answers this question in favor of the former alternative in the case of "preventive" martial law, but the question still remains open as to "punitive" martial law.

In brief, the development—considerably accelerated during the last quarter-century—has been in the direction of ever-increasing emphasis upon the necessity of giving executive power a free hand in situations of public disorder; nor, from present indications, is this tendency likely to be abated in the near future.

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REVIEWS

The Public and Its Government. By FELIX FRANKFURTER. New Haven, Yale University Press, 1930.—170 pp. $2.00.

This volume comprises the substance of four lectures delivered by Professor Frankfurter at Yale University in May 1930 on the William E. Dodge Foundation. It need hardly be said that as regards both substance and form they amply maintain the standard set by previous distinguished lecturers on the same foundation. For the fairly well informed reader with some critical sense to start with the book is a most illuminating treatment of the subjects with which it deals.

Chapter *i* sets forth the contrast between American society as it existed in 1790 and as it exists today, and between the resultant legislative problems of the two periods. Chapter ii furnishes us with a by no means laborious but at the same time highly enlightening sketch of current constitutional law in several of its most important phases. Chapter *iii* isolates one of these phases for further treatment, namely, public utility regulation. Chapter iv sketches the development of recognition of the need of the expert in administration as a remedy for characteristic defects of modern democracy.

Professor Frankfurter warns us at the outset that he will "speak with the preoccupations of a lawyer", and there are times in his first two chapters when one is grateful for the caveat, as for instance, when on page 11 he repeats the usual lawyer's claptrap about the bulk of modern legislation. Comparison is made of the twenty-six acts passed by the first session of the first Congress with the 993 enactments of a single session of the Seventieth Congress. The probability is however that less than a dozen of the latter were laws in the sense that the entire twenty-six of the former were, that is, measures of general importance and interest. And as to the "mastodonic volume of 1,014 pages, quarto not octavo," containing the said 993 enactments, it is well to observe that it was possible to include all the general statutes of the United States which were in force on December 1, 1926 in a quarto of 2,125 pages. There

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seems to be considerable uncertainty attaching to the word "enactment".

At the beginning of his second lecture Professor Frankfurter advances the suggestion that "for grappling with the tasks which the Great Society throws upon modern government, the political youth of the country is our greatest advantage" (p. 36). Is not this another *cliché*? If "political youth" means the uncritical retention of out-of-date ideas of political arrangement in the presence of an advanced industrial society it may well be a cause for apprehension rather than self-gratulation, and that it may be just this is suggested by what Professor Frankfurter says later on in this same chapter regarding the "deep acquiescence and even attachment" to our constitutional system (p. 51), which is contrasted with the attitude of the people of Australia toward their similar system. In the latter country, as the result of popular demand, a Royal Commission was appointed in 1927 "to inquire into and report upon the powers of the Commonwealth under the Constitution and the working of the Constitution since the Federation". This commission has recently reported "specific recommendations for the application of the federal idea to contemporary Australia" (p. 52). Professor Frankfurter seems to think it gratifying that "there has been no substantial body of opinion . . . for a re-examination of the fitness of the Constitution to our needs"; but it is at least possible that this fact is susceptible of an explanation not altogether flattering to our national vanity. Another criticism evoked by this chapter is that it leaves with the reader of average information a quite exaggerated impression of the importance of the work of the Commission on Uniform State Legislation and of the possibility of securing valuable legal reforms by this agency (pp. 66-67).

The most valuable chapter critically is the third, where Professor Frankfurter, abandoning the rather too complacent attitude of the other chapters, gives a candid and forceful account of the breakdown of public utility regulation in the States. As he remarks at the outset of the chapter, the needs met by public utility companies "are today as truly public services as the traditional functions of police and justice". "To think of contemporary America without the intricate and pervasive systems which furnish light, heat, power, water, transportation, and communication is to conjure up another world" (p. 81). By the same token all sums exacted from the community for such services "constitute an exaction in the nature of a tax". Proceeding from this principle, public utility

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rates set with the sanction of public authority should approximate to the cost of the service rendered. Unfortunately such rates have today, thanks to the idea that governmental regulation of rates is *pro tanto* an expropriation of purely private property, to be based on an entirely different principle, namely, that of yielding "a fair return"—that is to say, what the Court regards as a fair return—on "the *present value*" of the property used in service of the public. The results are a rate basis which is a veritable quicksand, and the most outrageous speculative practices on the part of the companies. One of these is resort to the "holding-company" device, in the presence of which the states are utterly helpless and the national government has so far been utterly inert. "Public regulation", Professor Frankfurter concludes, "must extricate itself from present doctrines of judicial valuation" (p. 120), if it is ever to amount to anything.

Chapter iv emphasizes the present need of training and sophisticated outlook in government, of the substitution of statistics for popular hysteria, in short, of professionalism, if democracy is to survive. Against the money-getting motive, which is the enemy of the public good, must be set the notion of positive serviceability to the public, which is the very essence of democracy and which government is coming more and more to embody. There are moments when Professor Frankfurter quite unnecessarily assumes a defensive attitude toward the bogey of "Bureaucracy". He ought to recognize that bureaucracy is today quite as characteristic of big companies like United States Steel and the Pennsylvania Railroad, as it is of governments. As a whole, however, the chapter is as admirable in tone as it is brilliant in content.

A final word must be addressed to the publishers of this volume. Not content with proclaiming their copyright, they have seen fit to print the following announcement: "All rights reserved. This book may not be reproduced in whole or in part, in any form, except by written permission from the publishers". With what legal sanction this extraordinary announcement is made I cannot say, but it seems to aggravate the already sufficiently great perils of book-reviewing. Nothwithstanding which I have ventured to quote some of Professor Frankfurter's own words in the above paragraphs, and that without obtaining or receiving the permission, written or oral, of the publishers! I can only hope I shall not regret my temerity.

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The Concert of Europe. By R. B. MOWAT. New York, The Macmillan Company, 1930.—xi, 368 pp. $5.00.

This is an interesting volume on something which in the opinion of many never existed. Certainly if the "Concert of Europe" did exist, its music became more discordant as time passed, till the rivalries between the Triple Alliance on the one hand, and the Triple Entente on the other, drowned out what notes of harmony there were, the motif of the "Armed Peace" becoming more and more dominant. A vague concept devoid of juridical meaning, the "Concert of Europe" appears frequently in European diplomacy during the last century, but for most of the period the "Concert" even "in its normal state was in suspended animation", and had to be revived "by the initiative of some power or powers at every fresh crisis" (p. 303). Besides, the application of the principle was confined chiefly to questions concerning secondary states. That being the case, the "Concert" is made a convenient subject about which the author develops an interesting, if somewhat partial, story of the failure of the efforts at European coöperation in the period before the World War. There is, for example, considerable detail on the formation of the Triple Alliance, the failure of the negotiations for an Anglo-German accord, the *non possumus* of Germany at the Hague Conferences and her objections in the later period to the proposals concerning Turkey. On the other hand, it gives no attention to the other side of the story—to the Triple Entente and its development into a singularly powerful combination from 1912 to 1914, or to Russia's activity in the Balkans and at the Straits.

The Balkan League fostered by Russia, and in no small measure manipulated by her Machiavellian representative, Hartwig, at Belgrade, was not inspired or motivated by the ideas of the European Concert. When the treaty was shown to Poincaré, he pronounced it "*une convention de guerre*", and in *Au Service de la France,* he points out its dangers to the peace of Europe, and Russia's ill-advised intrigues in the matter. But these facts are not mentioned any more than is the fact that he did nothing to restrain either Russia or the Balkan states. Nor is anything said of Poincaré's assurances in November 1912 of French support to Russia—a commitment sometimes alluded to as a "blank check". Indeed, this powerful statesman, whose coöperation was absolutely necessary for the success of any European Concert after 1912, is very much neglected. His name does not even appear in the index. On the other hand, there

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is a profusion of reference to Holstein and Grey. Even if Poincaré did not choose to take part in the "Concert of Europe", he did play a very important rôle—a rôle vastly more significant than is indicated by the casual references to him on pages 317 and 341.

Another illustration of the author's difficulty in establishing his thesis that the "Concert" and, ultimately, the peace of Europe, failed because of Germany, appears in the treatment of the Hague Conferences. After discussing Germany's opposition, he concludes: "Thus complete international coöperation on the part of all Europe was impossible" (p. 153). In the light of the difficulties of securing even a modest—not "complete"—coöperation on the restriction of armaments since 1918, it is obvious that strong objections, other than German, existed in 1898. Indeed, in a rather tentative way the author suggests that Russia may have had ulterior motives, though, of course, not Nicholas, for "About the Tsar's earnestness and sincerity . . . there can be no question" (*sic*). He even suggests that the French government may not have been sincere, for despite sending a sympathetic delegation to the Conference it "is said to have hoped for its failure" (p. 153).

In the most unequivocal fashion, Delcassé declared, both before the Deputies and to the German ambassador, against the proposals of the Tsar. To the ambassador he said: "Our interests in regard to the Conference are exactly the same as yours" (p. 154). France, he said, could not consider disarmament proposals, obligatory arbitration or concessions toward even general arbitration which in any way limited "the complete independence of the great states." Why isn't the lay reader told, what the student already knows, that Delcassé was Foreign Minister at this time—January 28, 1898 to June 6, 1905—that he was an unusually determined person, and that he, and not the delegates, determined French policy? Certainly the uncompromising attitude of Delcassé makes the suggestions that France may "have hoped" for the failure of the Conference, rather misleading.

On pages 257 *et seq.* is an amazing apologia for Isvolski. If the author's estimate were correct, what would become of Poincaré's characterization of him; of Lord Bertie's bitter denunciations of him as a liar; of Jaurès' penetrating comment in August of 1914: "Now that canaille Isvolski has his war", or of Isvolski's own statement, "It is my war"? Partiality for Isvolski, and readiness to accept his statements at face value, lead the author into some very extraordinary dilemmas, and at times, as in the case of the annexation of

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Bosnia and Herzegovina, into errors for which the publication of the Austrian documents now serves as a wholesome corrective.

Manifestly we do not have here an objective presentation of the history of the failure of the efforts at European coöperation between 1871 and 1914. Certainly a work that neglects Poincaré so completely; cites Conrad at length, but avoids mention of the minutes of the ten French-Russian military conferences, which were formally endorsed by responsible ministers; stresses Austro-Hungarian and German misdeeds in the Balkans while tacitly endorsing the Russian; minimizes the dangers of Russian mobilization in 1912 and in 1914, and pays homage to Isvolski as a sort of High Priest of the sanctity of the "*acta*" of European Congresses, is scarcely a "rejoinder", as is claimed by the publisher, to Professor Fay's conclusion in the *Origins of the World War*.

William E. Lingelbach

University of Pennsylvania

The Evolution of International Public Law in Europe since Grotius. By Walter Simons. Published for the Institute of Politics by the Yale University Press, New Haven, 1931.—146 pp. $2.50.

This series of lectures, delivered by the author at the Institute of Politics at Williamstown, represents the political idealism of a distinguished German jurist and statesman. The high positions he has held in the government of his country bear witness to the esteem in which he is held by his fellow citizens; and those not of his nation who have been privileged to meet him personally have learned to respect him for his liberalism in both national and international affairs. Being a participator at first hand in the great changes in international law that have come about in the past few years, Justice Simons is preëminently fitted to survey them and to evaluate the progress that has been made.

The author's purpose is to trace the history of international law from the time of Grotius with the practical object of determining "what means international law offers to the statesmen of today to master the new problems that have arisen". In the opening chapter on "The State and State Sovereignty" both the internal and the external aspects of sovereignty are discussed in the light of the conditions of the time of Grotius and those of the eighteenth and nineteenth centuries. Having passed from a principle of national unity through the stage of national absolutism and its attendant inter-

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national lawlessness, the question of state sovereignty, the author believes, "is now returning to a standpoint more similar to that of the Middle Ages (when sovereignty was compatible with subordination to the larger unity of the Holy Roman Empire) than to that of those centuries whose great teacher of international law was Hugo Grotius".

Under the titles of "Rights of War" and "Rights of Neutrality" are discussed the fundamental changes that have taken place in both bodies of law as a result of the World War. The author is skeptical of the plan of "humanizing" war, and he frankly advises the International Red Cross, when inquiring about the possibility of obtaining greater security against aerial bombardments, that "the only means to overcome the danger of aerial war is to overcome war itself". Paralleling the changes in the conception of war have been changes in the conception of neutrality. The views of Bynkershoek and Vattel, which prevailed so long, must be abandoned in favor of those of Grotius. We must now distinguish between the rules destined for "lawful private war" and those destined for "a League war of execution and sanction". President Wilson's conviction that neutrality would not subsist in a universal League of Nations was correct, but it overlooked the gap in the Covenant which permits a state to go to war when the mediatory processes of the League have failed.

In a chapter on "State Responsibility and Intervention" the author comments in a very interesting way upon the provisions of the German Constitution imposing specific responsibility upon the state in the case of a violation of official duty by a public functionary. The general principle of intervention is strongly condemned, but specific exception is made of "the case of a common action of a society of states against a member in default of its international obligations". The chapter on "Nationality and Minorities" is more in the nature of special pleading for a fair consideration of nationalist feeling in Germany provoked by the large number of its co-nationals outside the territory of its national state.

The last lecture deals with "Coöperation and Jurisdiction" and reverts to the thesis of the first lecture, that international law, having passed through the centuries of national individualism, is now resuming "the thread of medieval universalistic thought". Sovereignty is giving way to coöperation, the principles of arbitration and mediation are being accepted in numerous bilateral treaties and multilateral conventions, and the principle of judicial settlement

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has found expression in the Permanent Court of International Justice. The League of Nations brings together "two parallel channels of modern international coöperation"—the political obligations of the Covenant and the technical activities of the League Secretariat and the International Labor Office. In spite of the difficult position with regard to the League in which Germany had been placed in 1920, the author then urged the entrance of his country into the League and now believes after ten years' experience of the League that it represents "the acme of international coöperation" as the World Court represents the acme of international jurisdiction.

This is not a technical treatise and it bears none of the earmarks of an academic dissertation. But while popular in form it is scholarly in substance and should make its appeal to the thoughtful reader who wishes to judge the events of today in the light of their historical development.

C. G. FENWICK

BRYN MAWR COLLEGE

Memoirs of Prince von Bülow. Volume I: *From Secretary of State to Imperial Chancellor, 1897-1903*, translated by F. A. Voight; Volume II: *From the Morocco Crisis to Resignation, 1903-1909*, translated by Geoffrey Dunlop. Boston, Little, Brown and Company, 1931.—xxv, 751; xv, 626 pp. $5.00 each.

The historian reviewing the voluminous memoirs of Prince von Bülow will do well to confine himself to a consideration of their scientific value. It may be said at the outset, therefore, that although these volumes make entertaining and often amusing reading, as historical source material they are not to be rated very highly. Bülow says frankly that he means to write in the spirit of his eminent French predecessors, from St. Simon down, and that he has no intention of presenting a reasoned analysis of the events of his time. These volumes are avowedly apologetic, they are full of anecdote and scarred with personal animosities. Even the uncritical reader will soon discover that what Bülow says must be taken with more than a grain of salt, and will realize that these memoirs are the product of an embittered and disappointed old man.

The historian will naturally ask what, exactly, the basis for these reflections is. So far as one can make out the former chancellor wrote with a large mass of miscellaneous material at his elbow. He

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certainly did not have a complete documentary record of his own activities or of the general political and diplomatic correspondence of his time. Very important matters are frequently put aside with a few general comments, or are overlaid with extensive quotations from private letters which do little to enlighten the reader and seem to have no other purpose than that of glorifying the writer. Bülow simply used what he had at hand. Here and there one finds important reports and private letters, but taken in the large there is very little material of first-rate importance. Take as illustrations some of the great problems which Bülow had to face: the Anglo-German negotiations of 1898-1901, the Moroccan Crisis, the naval conversations, or the Bosnian Crisis of 1908-1909; none of these matters are systematically discussed or completely treated. Bülow's memoirs add almost nothing to the documents contained in *Die Grosse Politik*, and at best have only the value of personal comment on the facts. Those who know the facts will be constantly astonished at the omissions, and those who are less well-informed run the risk at all times of coming away with an incomplete and distorted picture. And this holds not only for the critical phases of foreign policy. It is equally true of Bülow's handling of the great domestic issues of his time, the socialist problem, the question of tariff treaties, etc.

And yet these memoirs have a peculiar value of another sort. Like the Waldersee diaries and Haller's study of Eulenburg they give an unusual picture of the inner workings of a great government, a government which, outwardly at least, was one of the most efficient and satisfactory machines of its time. One can learn much from these volumes of the other side of the shield, one can see how, in actual practice, the imperial and Prussian governments were knitted up with each other, how the relation of Prussia and the federal states worked, what the relations of the chancellor were to the other ministers, what influence the personal cabinets of the Emperor had upon the course of events, to what extent birth and influence decided nominations for high position, and how personalities determined policies. It would, of course, be impossible to discuss these interesting points in a review, and indeed, only a careful reading of Bülow's account can convey a correct impression. This much, however, can be said with complete confidence, that the imperial constitution was, in truth, cut out for a chancellor of Bismarck's character and calibre. Perhaps one might go further and say that it was designed with a ruler of the type of William I in mind. Bismarck knew what he

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wanted and he knew how to get it. Despite his constant wranglings with the old Emperor he could be fairly certain that in the end he would have his way. All this made for steadiness in policy. Even those who disagreed with Bismarck knew perfectly well what to expect, and could make arrangements accordingly. With William II all this was changed. The ruler was perhaps a brilliant man, but he was spasmodic and unaccountable. The iron chancellor himself learned this to his sorrow, and Caprivi, who was much more of a character than most people think, resigned because he was unable to keep the Emperor "grouped" and was unwilling to follow the leader on his devious course. From the recently published reminiscences and diaries of Hohenlohe (*Denkwürdigkeiten der Reichskanzlerzeit*) it appears that the third chancellor made little effort to formulate and execute a policy of his own, and that he regarded it as his chief business to put the brake on the erratic policies of the Emperor. Now Bülow was an experienced diplomat like Hohenlohe, and a man of considerable native ability. He was a better parliamentary speaker than either Caprivi or Hohenlohe. It is probably no exaggeration to say that he was better fitted to continue the work of Bismarck than any other of the chancellors between 1890 and 1918. He leaves no doubt of his admiration for his great predecessor, and it is clear from what he says that he tried to continue, while adapting, the policies of the founder of the empire. But Bülow, despite his asseverations to the contrary, does not seem to have had the seriousness, the detachment and the will power of Bismarck. He says that Holstein never had as much influence as during the last years before 1890, but no one at all acquainted with the German documents and with the memoir material of the period will be convinced by this contention. Bülow allowed matters to take their course pretty much as fate decreed. He often saw the dangers clearly enough, but he took no energetic steps to avert them. Much of what he says of the Emperor and his shortcomings is undoubtedly true. It may even be admitted that, next to Eulenburg, he probably spoke more frankly to William than any of the post-Bismarckian chancellors. But he left Holstein a free hand, he did not join the issue with Tirpitz, he did not hold the Emperor in sufficient check. The *Daily Telegraph* affair is the most striking instance of negligence and carelessness. Bülow's efforts to explain it away and exonerate himself are unconvincing, and his constant reference to William's good points, meant no doubt as camouflage for his bitter and often unfair criticism, leaves on the reader a wretched

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impression. Bülow's own reputation has not been improved by his memoirs. His account of his stewardship is incomplete, biased and colored by prejudice. But the student of political science will do well to study these volumes, for, even if unconsciously, the former chancellor gives an exceptionally interesting picture of government practice, as distinguished from theory.

WILLIAM L. LANGER

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King Cotton Diplomacy. By FRANK LAWRENCE OWSLEY. Chicago, University of Chicago Press, 1931.—xi, 617 pp. $5.00.

This book constitutes the most important contribution to the history of the American Civil War since the appearance of E. D. Adams' *Great Britain and the American Civil War* in 1925. The contribution is based in part upon the use of fresh material, as that in the archives of the French Foreign Office, which were first opened in 1927, in part upon the more thorough use of materials previously available, as the Pickett Papers in Library of Congress, but chiefly upon the long years of thought and work which Professor Owsley has given to the subject.

So important is the contribution that unfavorable criticism seems captious and should be speedily dismissed. The scholarly apparatus is admirable with footnotes, index and bibliography. One may query the title. The leading title, "King Cotton Diplomacy", does not fully express the content. The secondary title, "Foreign Relations of the Confederate States", much more nearly reveals the purpose but calls for a description of the diplomatic machinery which is lacking and the tying in of some loose threads. One could hardly ask for a more thorough comprehension of the forces involved in the direct relations of the Confederacy and Europe, but the third contestant, the United States government, remains for the most part unexplained.

The first contribution is in the first two chapters, jointly entitled "The Foundation of Confederate Diplomacy." It has of course always been known that the South counted on the possession of a monopoly of a key raw material, cotton, to unlock the doors of all foreign capitals. Professor Owsley has given a superb picture of this popular conviction carried into action without the need of direction by its own government and irrespective of the northern blockade. Behind the tragic comedy of southern planter and Washington cabinet directing their energies to the same end, is the universal in-

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terest of the development of a fixed idea to the point where it controlled the action of a whole people. In this connection it is surprising that no reference is made to the proposals of Alexander Stephens for a totally different method of using cotton.

The third chapter, "The Troubled Waters of Mexico", is the first coherent account which has ever been given of the relations of the Confederacy with Mexico. The material has long been available, but no one previously has brought to the subject the clear head necessary in untangling so many twisted strands. Particularly important is the revelation that separation from the old union removed for the southerners the anxious question of balance in the Senate and so deflated the expansionist movement, at least for the time being. One regrets that Professor Owsley makes no reference to the internal transportation system of the South which rendered this sole Confederate diplomatic success so relatively sterile.

A third contribution is contained in the long chapter on "Confederate Propaganda and Public Opinion." For the first time the abilities of Henry Hotze receive the recognition they deserve. Publicists of the present day may well marvel at the small sum of money at his disposal, while the effectiveness of his methods can scarcely be matched. To complete the picture a study of northern propaganda is urgently needed. In spite of the thorough tilling of the field of British opinions by so many competent students, Professor Owsley gleans some new items, particularly by pushing his researches back a few months. It is, however, by his wide acquaintance with the French press as well as with the French archives that he achieves his most conspicuous success, putting the factor of French reaction to American events upon a basis that may well prove definitive.

Equally valuable but with results more open to controversy is his chapter on the "Ineffectiveness of the Blockade." His figures completely undermine the studies of Hammond and Rhodes, and are patently the more correct. However, they rather suggest the need of reëxamination than carry conviction. To give a complete survey one would need not only to compare the port entries of the South during the war with their prewar foreign trade but with the coast trade also. It will be necessary to disentangle the cotton leaving the Confederacy from that raised under Union auspices or captured by northern armies. Professor Owsley undoubtedly proves that the blockade was less effective than has been generally supposed, but his conclusion that in maintaining the blockade "Old Abe sold America's birthright for a mess of pottage" is still debatable. Professor

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Owsley, like the Confederate commissioners, overlooks the international inapplicability of the Declaration of Paris in view of its non-acceptance by the Union government. Of course he realizes to the full the significance of the position taken by Seward with reference to the earlier stand of the United States on the character of blockades and to the situation raised by the World War.

Chapter xii, "Confederate Finances Abroad", fills a gap in our knowledge of the working of the war machine. It is careful and satisfactory. The amount the Confederacy received from the Erlanger loan, however, is underestimated, as the bonds bought to maintain the price were used to pay government debts.

The course of the actual negotiations is given in detail and with sound interpretation of men and events. In general the main conclusions follow the lines that C. F. and E. D. Adams have been clarifying. It is the same picture seen in reverse. Most novel to the general reader will be chapter xv, "The Diplomatic Break with England in 1863."

Minor episodes are handled too casually. Professor Owsley's dislike of A. D. Mann is perhaps justified, though it seems to the reviewer exaggerated. The mission to Rome was off the main track, yet it was picturesque, the Pickett Papers afford the material for vitalizing it, and it might well have been elaborated. Professor Owsley, on the other hand, too easily accepts Mann's point of view with regard to northern methods of recruiting in Europe. Some study given the subject by the reviewer gave the impression that the matter was much exaggerated by the anxious Confederate agents, and that what fire there was behind the smoke was not of government origin. In the same way the Kenner mission is underrated, not perhaps from the point of view of its diplomatic importance, but from that of its revelation of the psychology of the southern leaders. It still remains a juicy ripe plum for some enterprising student.

The final chapter, "Why Europe Did Not Intervene", is more than a clear statement of conclusions arrived at. It is a reasoned balancing of many international motives, each related to the other. The researches of the reviewer confirm most of Professor Owsley's conclusions. There is complete agreement in minimizing the importance of wheat as an offset to cotton, and also with reference to the prime importance in determining Great Britain's attitude of maritime jealousy of the North and of the profits of neutrality. Professor Owsley has the support of E. D. Adams in emphasizing the expectation of ultimate southern success until it was too late to act.

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The reviewer, however, believes that the value of British anti-slavery sentiment is here somewhat underestimated as it has been overrated by earlier students. The Union government appears, therefore, somewhat more completely a lay figure than it actually was. Motives of course can never be weighed like chemical elements, and this chapter of conclusions may be recommended as marking a distinct stage in the study of that complex which prevented the American Civil War from becoming a world war, and as the sanest statement on the subject as yet in print.

Carl Russell Fish

University of Wisconsin

International Adjudications. Edited by John Bassett Moore. Modern Series. Volumes I-II: *St. Croix River Arbitration*; Volume III: *Arbitration of Claims for Compensation for Losses and Damages Resulting from Lawful Impediments to the Recovery of Pre-War Debts.* Published for the Carnegie Endowment for International Peace by the Oxford University Press, New York, 1929-1931.—cxiii, 513; xv, 503; xxviii, 564 pp. $2.50 each.

The name of the author and the title of these volumes are in themselves sufficient indication of the merit and importance of the contents. They are the first volumes of a series whose scope is limited only by the history of civilization. The series is to be divided into two parts, ancient and modern. The ancient series will begin with arbitrations among the Greeks; the modern series, initiated by these three volumes, begins with the arbitrations between the United States and Great Britain under the Jay Treaty of 1794. The work, in its plan and scope, is the culmination of Judge Moore's studies begun nearly half a century ago. In 1898, there appeared his *History and Digest of International Arbitrations* in six volumes. The relative extent of this new work in comparison with the old is indicated by the fact that in the new series, two entire volumes are devoted to the Saint Croix River arbitration under Article 5 of the Jay Treaty, whereas this case was covered in 44 pages of the *Digest* of 1898; the arbitration under Article 6 of the Jay Treaty, relating to debts due to British subjects, was covered in twenty-seven pages of the former work and is now dealt with in the 564 pages of the third volume of the new series.

These volumes set a standard of meticulous scholarship which has

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probably never been excelled. As examples, one may refer to the historical and legal notes which preface volume I; to such details as the analysis of the names "Mitchel" and "Mitchell" in the discussion of a vital map in the Saint Croix River arbitration (volume I, pp. 6-8); to Judge Moore's explanation of the difficulties encountered in securing correct texts of the documents in the Saint Croix River arbitration and his solution of the difficulties (volume II, pp. 397-405); and to the introductory pages of volume III describing the collection of the documents in this volume.

The Saint Croix River arbitration, in the words of Judge Moore, "enjoys a peculiar preëminence" because "it marks the revival in modern times of the practice of international arbitration." It is for this reason that it was selected to open the modern series of this new collection of international adjudications. Volume I contains the treaty stipulations applicable to the dispute, a thorough description of the bases and reasons for the controversy, the details of the organization of the mixed commission, the activities of the commission, the production of evidence and the preliminary arguments of the agents of the two governments. The second volume contains further arguments of the agents, the deliberations of the commission, the award, the report of the American agent to the President, the details of the expenses of the commission and the explanation of the commission's records. The third volume, covering the arbitration under Article 6 of the Jay Treaty on the prewar debts, contains the treaty stipulations, a full statement of the situation, the organization of the commission, together with its rules of procedure, an analysis of the jurisprudence, descriptions of the several ruptures of the board, a detailed analysis of the decisions of American courts upon matters pertinent to the discussions of the commission, correspondence between the commissioners, a statement of the commission's expenses, a list of claimants and the records, the negotiation of the Convention of 1802 and the distribution of the indemnity and, as an appendix, the work of the commissioners appointed in England for the adjudication of the Loyalist claims for relief. Volumes II and III contain very ample indices. Volume I contains fourteen maps and volume II ten maps. Many of the documents and records here included have never before been printed and thus are made available for the first time.

It is safe to say that anyone who in the future desires information regarding the matters referred to the two commissions whose work is described in these volumes, need not go beyond material which

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Judge Moore has presented in his text and footnotes. There is much in them of value for the international lawyer, not only in regard to the historical development of arbitration in modern times, but also on such specific points as rules governing the introduction of evidence and the procedure of international commissions; the interpretation of treaties, the essentially judicial nature of arbitration and numerous other matters. It should also be noted that this is no mere compilation and reproduction of archives; the volumes contain a great deal in the way of analysis, description and summary, all written in that charming style of Judge Moore's which makes perusal as pleasant as it is profitable. One's appetite is whetted for the further volumes which are to appear, and one marvels at the learning, the industry and the wisdom which has made it possible for one man to contribute to the betterment of the world not only distinguished services as a lawyer, statesman and judge, but three such monumental works as the *History and Digest of International Arbitrations* of 1898, the *Digest of International Law* of 1906 and now the *International Adjudications*.

PHILIP C. JESSUP

Planwirtschaft und Verkehrswirtschaft. By CARL LANDAUER. Munich, Duncker und Humblot, 1931.—vi, 222 pp. Rm. 11.50.

This sketch is primarily concerned with the current problems of the socialist party in Germany, but it possesses many elements of general interest in respect both of contemporary politics and socialistic theory. There is so much apprehension in this country of an impending socialistic revolution that it is significant to find the author of this sketch chiefly concerned with the weakness of the socialistic groups and the lack of any broad constructive program. Their political power he believes to be largely dependent upon the dread of the militarists and the monarchists. But even if their power were not qualified by this essentially negative attitude of many of the voters, they would be powerless to act, because concentration on the remoter idealistic objectives has closed their eyes to the need of a program for the gradual achievement of a socialistic system. Marxian theory he believes to be losing ground, both in its original form and in modernist revisions. Liberal economic theory is winning a steadily larger place in academic and in popular thought. The author fears that socialism will lose a strategic opportunity for lack of a concrete program for gradual and constitutional advance

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toward the socialist state. He apprehends difficulty in bringing the workers to accept these limited objectives as a significant advance, for the realization of some of the cherished ideals must be postponed and some must needs be abandoned entirely.

The analytical sections of the sketch are suggestive, but the analysis is incomplete and frequently inconclusive. The distinction between capitalistic and socialistic societies is formulated as an antithesis between a competitive and a planned society. It is assumed that a capitalistic society must needs be based on principles of free competition; monopoly is presented as an intrusion which necessarily reduces social productivity. Planning, even in the restricted sense of "rationalization", is held to be essentially inconsistent with the capitalistic system. The author has not used to much advantage the primary literature on monopoly and monopoly price. His analysis drifts back to old socialistic and economic theories. In one or two isolated passages, he seems to recognize the possibility of a planned capitalistic order, but the position is not developed. This is the more unfortunate because the logical solution of his problem would seem to be offered by a transition to socialism by way of a planned economic order, dominantly capitalistic in its earlier phases, but progressively modified by the substitution of socialistic for capitalistic objectives in the regulation of production and distribution.

The program suggested in the text involves as a primary feature the extension of public ownership and operation through gradual state purchase of the larger industrial enterprises. It is explicitly stated that the extension of public ownership must needs precede the introduction of planned production. This proposition is inconsistent with the general concepts of the text and with the purposes underlying the rationalization program of Wissell, Möllendorff and Rathenau.

Although indications of the chief features of the socialistic state are very brief, they present interesting divergences from outstanding tendencies in English thought. The socialistic state is conceived as a planned economic order, including some measure of inequality among consumers. It is to maintain a balance between capital organs and particular establishments. Many small enterprises may be left in private hands. Private saving and investment are not to be prohibited. The employees of the great industrial establishments are to share in the profits, but the administrators of these great enterprises are to be more closely dependent upon the central authorities than

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upon the organized body of the workers. Their appointment and dismissal must rest entirely with the central authorities, "for an administrator, who did not dare to become unpopular, could not possibly manage the undertaking efficiently."

ABBOTT PAYSON USHER
HARVARD UNIVERSITY

Post-War Treaties for the Pacific Settlement of International Disputes. By MAX HABICHT. Cambridge, Harvard University Press, 1931.—xxvi, 1109 pp. $8.00.

One aspect of international law, as of all law, is its utility in settling disputes. International disputes may be settled without recourse to force by processes of adjustment of which conciliation and mediation are examples; or they may be settled by judicial determination of the legal issues involved. In dealing with international law, emphasis is usually laid on the incomplete, and in many respects unsatisfactory, state of the organization which exists for the administration of that law. Yet, for a period of time much longer than is generally recognized, the international judicial process has functioned successfully. A study of this subject of international adjudications might be directed to the substance of the judicial process, the history of the controversies, the pleadings and the awards. Investigation might also be directed toward the judicial instrumentalities, such as mixed or joint commissions, *ad hoc* arbitration or permanent courts, utilized in achieving results. As a third aspect, one may consider the international engagements which bring about the employment of judicial powers.

Dr. Habicht has chosen to explore this last field within a limited period. He has concerned himself with a study of the treaties concluded in the first decade following the Armistice of November 11, 1918, which have had for their purpose the definition of obligations assumed by states to adjust their future disputes by peaceful processes. His book consists of two parts. The first part contains the texts of the treaties of conciliation, arbitration and compulsory adjudication concluded during this period. Each treaty is published in its original language with an English translation when the original is not in that language. In the second part of the volume, Dr. Habicht has subjected these texts to careful analysis and criticism, pointing to their similarities and differences and to the trends which they reveal. He has classified the treaties according

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to the type of pacific settlement to which their promises relate, basing the classification primarily on the distinction between judicial and non-judicial processes and on the absence of reserved or excepted categories of disputes. In the Appendix the texts of diplomatic notes exchanged subsequent to the conclusion of the treaties are reproduced, where such notes reveal stages in the execution of the treaties. The Appendix also contains valuable information concerning the composition of the international boards, commissions or tribunals provided for in the treaties where such data were available. A selected bibliography completes the usefulness of this work as a first-class source-book.

Dr. Habicht has completed thoroughly and thoughtfully the task he has undertaken. In compiling the texts of post-war treaties for pacific settlement of international disputes he has put an indispensable tool in the hands of statesmen and of students. His lucid and scholarly analysis of these treaties must be considered as a most important contribution to literature on this subject. The author must be congratulated for having sedulously avoided the all too frequent error of characterizing arbitration as a process different from the process of judicial determination based upon law. The most important revelation contained in Dr. Habicht's analysis is the gratifying trend of development toward treaties which except no kind of controversy from their scope. In the field of legal disputes, great progress was made by the adoption of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on July 29, 1899. The advance there made was checked by the arbitration treaties of the next decade, the most important stipulations of which were the exceptions to the undertaking to submit disputes to arbitration. In the decade 1918-1928, as Dr. Habicht's study reveals, many states have bound themselves to submit their disputes without reservation or exception to some form of pacific settlement. By his analysis of this trend, Dr. Habicht has rendered a very useful service in drawing attention to current progress which seems to be still continuing. It may be hoped that his book will be carefully perused by those responsible for the conduct of foreign affairs of their respective countries—especially by those who insist on the "organization of peace" as a condition precedent to disarmament.

FRANCIS DEÁK

COLUMBIA UNIVERSITY

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The History of Peace. By A. C. F. BEALES. New York, The Dial Press, 1931.—viii, 355 pp. $4.00.

This panoramic picture of mankind's groping for peace leaves the individual, like the movements it traces, divided—divided between idea and reality. We are given a painstaking survey of one hundred years of organized effort to cope with war as an institution in international society; but we come away with the feeling that the closer we approach the contemporary scene, the farther we are from the working forces within the peace movement. There can be no question, however, of the general usefulness of the survey. It brings us in touch with the epic figures, superseded by the impersonality of organization efforts, whose struggles surcharged the peace movement during the nineteenth century with an evangelical moral fervor; and it leaves us with budgeted, experted, publicized bodies which move ponderously upon peace as an ideal for a world largely devoted to doing things utterly incompatible with it.

From one standpoint, there is a promise in the title that cannot, from the nature of the work, be fulfilled. This is not in the broad sense a history of peace; it is, as the author hastens to add on the title page, "A Short Account of the Organized Movements for International Peace". Accepting this major qualification, we are given a systematic summary of the great trends.

Wisely recognizing that others than himself (p. v) could be "surprised to find that every single idea current today about peace and war was being preached by organized bodies over a century ago", Beales gives the reader a good background in two opening chapters. These develop the philosophy of war and peace together with outstanding individual schemes for the curtailment of force advanced by great thinkers in earlier centuries. We are then taken into the intricacies of the first peace movement—the societies and congresses which make the story from the close of the Napoleonic Wars to the 1860's so important. Noting the weakening in Anglo-American activities between the Crimean and the Civil Wars, we start afresh in 1867 with the new organizations for peace whose expansion carries us to the critical last decade of the century. Then almost a third of the book is devoted to the duel that developed between the two systems, "war" and "peace", between 1889 and the close of the World War. It is in the final chapter of this fourth part (chap. xi) that we begin to feel at odds with the author's interpretation of men and motives in the battle for a warless world.

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These doubts, first aroused by his story of the peace societies in America during the Great War, become confirmed in the final section on the organized peace movement in the post-war international community built about the League of Nations.

Part of the trouble is inherent in the lack of documentary material for the period since 1878. But the larger part must be attributed to the difficulties that an Englishman has, for example, in understanding American political conditions and their consequences. Here we have a superficial running account of organizations and attitudes. Not only is it inadequate wherever the American situation is touched upon in the two final chapters; it shows how impossible the objective measurement of social forces becomes when based primarily upon formal documentary material emanating from organizations without the memoirs and other fuller records which enrich the earlier periods. Too great an importance is attached to the American Peace Society since 1917. There would appear to be a revealing underestimate of the profound influence of the World Court movement, which gains scant attention, while the Levinson-Morrison scheme for the outlawry of war seems to us to be unduly emphasized. Equally disconcerting are the omissions, such as the failure to mention the outstanding work of the League of Nations Association, never stronger as an intellectual force than today. There seems to be no appreciation of the drawing together of organizations in activities such as the National Council for the Prevention of War; no grasp of the involvement of American religious bodies nowadays in the peace movement, though there is a fleeting glance (p. 325) at the international union of church forces. We can only hope that closer proximity to European peoples has enabled Beales to gain a more intimate appreciation of the Dutch, French, German and other contemporary national peace societies.

Possibly approaching carping criticism, one is left to wonder over such lapses as that dealing with the Pan-American Union (p. 328) where we are asked to watch "its embryonic stages at 1826 and 1890, and its development since birth at 1908". The Union was organized, it will be recalled, with a permanent bureau in 1890; reorganized in 1902, with a modification of name; again in 1906; and finally in 1910 given its present form with slight changes in 1923 and 1928. More baffling is a statement such as (p. 320) that the American government "rejected the Covenant, and so did the American Peace Movement". Admitting that the movement immediately thereafter split into divergent groups, we are told (p. 321)

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that "the League became neglected by the Peace societies". This cannot be said to be more than partially true with regard to even general activities between 1920 and 1927; and it represents a most distorted picture of the real struggle going on now underneath the surface between pro-League and anti-League supporters.

From the scholar's point of view, the work reveals extensive research and is generally well documented. The bibliography is useful; but its arrangement could be improved.

Whatever may be differences of opinion over fact and style, the net effect is good. The many aspects of the peace movement are brought into perspective and we gain an idea of the background of a century of educational activity behind the present crucial struggle for international order.

CHARLES HODGES

NEW YORK UNIVERSITY

The Cambridge History of the British Empire. Volume VI: *Canada and Newfoundland.* New York, The Macmillan Company, 1930.—xxi, 939 pp. $9.50.

"Certainly in the annals of political architecture the formation of the Dominion of Canada deserves a foremost place. Arising out of hard necessities, that achievement brought a mighty harvest of results, both in Canada . . . and in the Empire at large, where it beckoned Australia and South Africa to the like fruitful experiments." These sentences in the editors' preface suggest the tone of the *Cambridge History of the British Empire, Canada and Newfoundland.* It is a narrative of achievement in many fields of activity. It is also an imperial document breathing loyalty to the Empire. There are passages of unconscious humor. "If the rebellion", writes J. L. Morison, Armstrong College, Newcastle-on-Tyne, concerning the disturbance of 1837, "was an illogical and unnecessary episode in Canadian history, it served to administer just such a rude irrational shock to slow-footed British wisdom as so often seems necessary for the production of the greater efforts of British statesmanship" (p. 270). Such smugness, however, only occasionally mars an unusually useful book.

So diverse are the materials of Canadian history that the problem of organizing them into an orderly and unified account offers great difficulties. The editors have skilfully blended topical and chronological presentation. The book is a compilation of thirty-three

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brief essays. Politics and constitutional development, military affairs, economics and general social development all find a place in the volume. In general the essays on politics and economics are the most useful. Three short chapters are devoted to Newfoundland.

One of the valuable features of the book is the wide variety of points of view to be found among its thirty-three authors. A few of these are British but for the most part they are Canadian writers and scholars. An effort seems to have been made to represent, as far as possible, the different provinces and racial groups in the lists of contributors.

The book is an outstanding example of disciplined and harmonious intellectual coöperation. The harmony seems to have been achieved, however, by a tacit agreement to avoid as far as possible certain interesting but still dangerous issues. Particularly in the field of culture history the authors have often been content with superficial accounts. The reader will find considerable emphasis on "fighting geography" and "resisting the encroachments of 'Americanization'" (p. 788), but little discussion of the cleavage between the culture of the French-speaking and English-speaking Canadians. He will find much of Canadian achievement but little of Canadian nationalism and the struggle for Canadian independence under the Crown. The end date for the volume, 1921, it should be said, makes a thorough discussion of the latter subjects impossible. Most gingerly handled of all are religion and education.

Notable articles are those of Adam Shortt, "The Financial Development of British North America, 1840-1867"; R. G. Trotter, "The Coming of Confederation"; A. J. Glazebrook, "Finance and Banking, 1867-1921"; and W. P. M. Kennedy, "The Constitution and Its Working, 1867-1921". Mr. Trotter has also compiled a most useful bibliography.

RALPH HENRY GABRIEL

YALE UNIVERSITY

The Cotton Trade and Industrial Lancashire, 1600–1780. By ALFRED P. WADSWORTH and JULIA DE LACY MANN. Manchester, Manchester University Press, 1931.—xii, 539 pp. 25 s.

These five hundred closely printed pages offer a real contribution to the economic history of England. Few periods are in greater need of detailed study than that preceding the Industrial Revolution. A few general works deal with it in a preliminary way. Several scholarly histories of particular industries cut across it but the

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special era is not their exclusive interest. This work has the advantage of dealing with a strategic industry in a limited period. This fact and the happy collaboration of two authors has made possible a thoroughness of research and a scale of treatment that at once mark the book as important. Professor Daniel's slender *Early History of the Cotton Industry* paved the way but is naturally much narrower in scope.

The title, limited to the cotton trade and industrial Lancashire, gives no indication of the wider significance of the subject, which is fully recognized by the authors. The relationship of cotton with the other textile industries, wool, linen and silk, is studied not only in the early stages of the cotton manufacture when it was emerging into separate existence, but in the later as well. Similarly the connections are shown between Lancashire and other parts of England and with such distant areas as India, the West Indies, America and Africa. The influence of English technical methods upon French is traced through the story of individual English emigrants to France. Illuminating comparisons are made between the industries of the two nations and the economic policies of their governments. The work as a whole is written in the light of the growing importance of Lancashire in England's industrial world. As no phase of the economic or social aspects of the industry is neglected, much new light is thrown on the period as a whole.

Book I deals with the seventeenth century, after a brief but significant consideration of the sixteenth. The gradual shifting of emphasis between agriculture and industry, and between country and town, the elaboration of economic organization, the struggle over restrictive legislation, the growing use of capital and credit, are given concrete illustration through careful study of the records of individual cases and persons, such as the Chethams or Thomas Marsden. Very valuable is the chapter on the introduction of the Dutch smallwares loom, leading toward the factory system.

The major part of the book is devoted to the period from 1700 to 1780. It is marked by the same thoroughness, the same concreteness, as the earlier portion, but now the story becomes more complicated and the records are fuller. Attention is confined more closely to cotton, although the industry is never treated as an isolated phenomenon and there are fruitful comparisons with other forms of business. One chapter on the investment of capital in transport has only an indirect bearing on the subject, but it helps to round out the picture of industrial Lancashire in the beginning of the eight-

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eenth century. Contributions are made in the study of the stimulus given by Indian cottons, particularly calicoes, in the early stages of the growth of the cotton trade. In the course of a consideration of the markets for English cotton goods the importance of cottons in the slave trade is investigated.

In both Book III, devoted to "capitalist organisation and enterprise, 1700-1775", and Book IV on "the Lancashire wage-earners before the factory system", striking evidence is given of the extent to which this period anticipated many of the characteristic features of the Industrial Revolution. Large capitalists, banks, large-scale industries, factories using power in the weaving of small-wares, silk manufacturing and cotton finishing, trade unions, strikes, class antagonism, child labor, foreshadow modern capitalist society. The final chapter makes the transition to the Industrial Revolution, tracing the development of machine spinning from the earliest patents through the inventions of Arkwright in England and the introduction of spinning machinery into France.

Again there are several striking figures whose careers were important in their day. Samuel Touchet, whose elusive personality the student of the eighteenth century meets repeatedly in various connections, becomes a reality as his multifarious enterprises are traced in these pages. The controversy over the Wyatt-Paul spinning machine is weighed again in the light of all the surviving evidence. John Kay's career in England and in France is followed from French as well as English sources. At the same time the life of the unknown masses receives due attention.

A series of appendices develops more fully points touched on in the text or adds new material, such as the statistics of imports and re-exports of raw cotton 1698-1780 and of cotton prices, 1607-1780. Maps and charts supplement the text.

A glance at the bibliography and at the numerous footnotes reveals at once the diligent search of the authors. Modern authorities, whether writing in book form or in English or Continental journals, have been used, but the basis of the work is contemporary material. Large numbers of manuscripts have been made to yield their rich stores of information. The business papers of private individuals or of firms are utilized extensively. Deeds, wills, Manchester Sessions records, Lancashire Quarter Sessions records have been found in various repositories. Many classes of documents have been examined at the Public Record Office. The *Archives Nationales* supplied official reports about the English as well as the

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French cotton industry. The sources, then, are many and they have been used with the critical skill of the trained historian. When peculiarly appropriate, they are quoted. The facts are left to speak for themselves. There is a respect for dates and exactness of setting in time that has unhappily not always been a characteristic of economic histories. In spite of the amount of detail the book is interestingly written. It is well proportioned and the authors avoid obscure technicalities. They apologize for the fact that the origin of the book in two separate studies has interfered somewhat with the organization of material. A single hand might have produced a more completely harmonious whole, but when so much of solid worth is offered, criticism of such a minor point would be captious.

JUDITH BLOW WILLIAMS

WELLESLEY COLLEGE

The Problem of Maintaining Purchasing Power. By P. W. MARTIN. London, P. S. King & Son, Ltd., 1931.—xiv, 314 pp. 15s.

These are days of universal preoccupation with the current depression, when shoals of books are hastily written in an attempt to answer questions so vivid in the public mind, and numerous statements offered as to causes, responsibilities and cures. In such days of shallow explanations, rash forecasts and hasty panaceas it is a relief to pick up a book whose author has done some thinking on the problems of industrial depression before 1930. One may disagree with Mr. Martin as to the validity of his analysis, but it is at least apparent that his discussion is the outcome of thought that has germinated for some time.

The book offers a substantial amplification of the theory which the author developed first in his *The Flaw in the Price System* (1924), expounded further in *The Limited Market* (1926), and used as a basis of recommendations for specific policy in *Unemployment and Purchasing Power* (1931). His central thesis, viz., the ease with which our economic organization develops deficiency of purchasing power, is still the same as that held in the earlier volumes. But instead of emphasizing the immanence of the flaw in the price system, in this volume the author discusses at some length the factors making for a deficiency of purchasing power in contrast to those making for a surplus. The market comparison is carried throughout the discussion in terms of finished goods (consumers' goods and finished capital equipment) and purchasing power in the hands of

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would-be buyers. But the complicating factors of unfinished goods, of trading by business undertakings, of the time elapsing between income disbursements and the appearance of goods on the market, of international trade, are all briefly considered *after* the main line of analysis has been carried through with all these complicating factors omitted.

Mr. Martin's analysis shows that deficiency of purchasing power is likely to develop. The significance of the conclusion is tested by an attempt at measuring empirically the magnitude of the deficiency factors listed in the analysis. This empirical test is accomplished with the help of United States data. While definite figures exist only for volume of currency in circulation, Mr. Martin establishes to his satisfaction that the other deficiency factors are also formidable. He comes thus to the general conclusion that such factors as additions to working capital, reductions in the volume of commodity stocks voluntarily held, reductions in the total amount of currency in circulation, loom large in actual experience and are potent forces making for conspicuous economic depressions.

The specific measures of policy suggested by Mr. Martin as likely to alleviate the influence of these depressive factors are: (a) an international agreement to reduce the legally prescribed reserve ratios held by central banks, thereby making possible an increase in the total quantity of money in circulation when required; (b) an undertaking by a sufficiently strong group of countries to adjust the stream of purchasing power so as to secure the maximum of employment while at the same time avoiding price inflation. Examining the position of the United States and Great Britain and the general international position, Mr. Martin is able to trace the working of the various factors for and against a deficiency of purchasing power.

To this reviewer Mr. Martin's book seems to be a great improvement over its predecessors, for it indicates a wider grasp of the problem and an ability to take account of many more factors not dealt with in his earlier writing. But the analysis still suffers from oversimplification. Its main defect is that the author takes up first the simplified scheme, and then attempts to consider quite separately the complicating factors as a post-analysis correction. Thereby he impairs the validity of his scheme, for in real life there is considerable interdependence between changes in one market and those in the others. Additions in working capital, changes in stocks of commodities voluntarily held, are associated with changes in the field of unfinished commodities, changes in the time factor, whose in-

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fluence may, and in conditions of closed economy does, cancel the factors making for deficiency of purchasing power. It is incumbent upon Mr. Martin to prove that the changes he assumes to occur in his market comparison happen without inducing the counteracting influence of the additional complicating factors, and that the latter may therefore be considered separately as an afterthought.

These limitations impair considerably the value of the book. For the empirical data and other descriptive elements of the discussion are too incomplete to be of any but perfunctory interest. And his specific proposals, practical considerations disregarded, stand and fall with the validity of his theoretical analysis.

One therefore welcomes Mr. Martin's book as marking a change of his analysis from a bare statement of a somewhat hypothetical thesis to a more workable attempt at a summary of reality in relation to the thesis. But the revision of the theoretical groundwork is far from complete. The complicating factors must not only be acknowledged: they must be assigned an integral part in the analytical structure of the problem of depressions.

SIMON KUZNETS

NATIONAL BUREAU OF ECONOMIC RESEARCH
NEW YORK CITY

La Révolution russe: Ses origines, ses résultats. Volume I *Les Soviets*; Volume II: *Le Parti bolcheviste.* By HENRY ROLLIN Paris, Librairie Delagrave, 1931.—xliii, 300; 400 pp. 35 francs

M. Henry Rollin is introduced to the readers by M. Andr Duboscq as a gallant naval officer with a brilliant war record. H is also the author of two volumes published in 1911 and 1913 dealing with questions of naval defense and maritime law, in which we are told, he foresaw the approaching war with Germany and it general character. These factors are cited in the introduction a evidence of M. Rollin's power of analysis. "The present volume" writes M. Duboscq, "is a monument whose architecture cannot b grasped at once and whose real importance needs time to be full realized. This is not an elegant palace, but rather a fortress o somewhat forbidding and impressive appearance." The presen reviewer feels completely in agreement with M. Duboscq as to th forbidding appearance of M. Rollin's "fortress", but he begs t differ as to the monumental aspect of the work itself. The onl monument to which it could perhaps be compared is the familia memorial erected by the loving hands of Queen Victoria to the Princ

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Consort in Kensington Gardens. Just as the London memorial testifies rather to the affection of the Queen for Prince Albert than to the part he played in building up the British Empire, so M. Rollin's volumes are rather an evidence of his wide erudition and manifold interests, than a help in understanding the Soviet revolution. The pedestal of the Prince Consort's statue, it will be remembered, is adorned by elaborate bas-reliefs reproducing likenesses of musicians, poets, authors and scientists drawn from every period in history and from every country. The reasons why this distinguished assembly finds itself at the feet of a German prince who became the husband of the great English Queen are by no means patent. Just as perplexing are many of the analogies with the Russian revolution which M. Rollin discovers in the history of ancient Greece, Persia, China, Japan, not to mention the peasant uprisings in Bohemia and Germany, the Pugacheff movement in Russia, and, of course, the French Revolution. M. Rollin's volumes bristle with quotations. Among the men whom he finds necessary to introduce in the discussion of the Soviet system are Moltke, Karamsin, Olearius, Mirabeau, Barnave, Thomas Münzer, Joseph de Maistre, Napoleon, Herzen, Bakunin, Kropotkin, Vandervelde, Witte, Brusiloff, Babeuf, Jan Huss, Oliver Cromwell, Ruskin, Robespierre, Richard Wagner, Murat, Carnot, Korsak-Branicki, Proudhon, Clausewitz, Rousseau, Tolstoi, Merejkovsky, D. Hume, Michelet. And then—and this seems more appropriate—Karl Marx, Engels, Lenin, Bukharin, Preobrazhensky, Trotsky, Dzerzhinsky, Stalin.

It is readily admitted that all revolutionary movements have certain elements in common, and that similar ideas have been expressed by political thinkers at different times and in different countries. But these analogies, often superficial, are an extremely dangerous ground to build upon. M. Rollin uses them not only to explain what happened in Russia, but also to forecast the future development of the Soviet state. The reader must be cautioned not to follow him along this path. If there is anything certain about the Soviet system and the peculiar form of communism which has grown on the Russian soil since 1917, it is that this is a purely Russian phenomenon. It can be explained by a study not of the writings of Joseph de Maistre, Babeuf and Richard Wagner, but of the actual conditions which prevailed in Russia especially in the nineteenth century and in the first decade of the twentieth century. Of this little will be found in M. Rollin's volumes. M. Rollin's frequent and lengthy

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excursions into the history of the French Revolution are also of little help to the reader in understanding the trend of Russian events. The method itself is by no means new. One of M. Rollin's countrymen, Raoul Labry, wisely remarked in a book published in 1919 that the great error of French statesmen in dealing with Russia after the downfall of the monarchy was that they knew too much about the French Revolution and tried to derive from it general laws and practical guidance. A similar mistake was committed by many Russians. The result proved disastrous. It is to be regretted that M. Rollin did not profit by their experience.

MICHAEL T. FLORINSKY

COLUMBIA UNIVERSITY

Soviet Foreign Trade: Menace or Promise. By J. M. BUDISH and SAMUEL S. SHIPMAN. New York, Horace Liveright, Inc., 1931.—xii, 276 pp. $2.50.

Soviet Foreign Trade is a capable, unimpassioned brief, "sponsored by the Economic Division of the Amtorg Trading Corporation" in the hope that it "may contribute to the development of Soviet-American trade" (pp. v and vi). The brief is an excellent one. The eight chapters include three different types of treatment. By far the best are chapters ii and iii, not quite half of the book, in which Soviet-American trade is discussed in detail, and part of chapter vii (pp. 232-53) in which is discussed the probable nature of the developing imports and exports of Russia. The latter in tone and content might well be a summary of an extended study by the Bureau of Foreign and Domestic Commerce.

In chapter iii on the "Major Commodities Imported into the United States from the U. S. S. R." the authors have established a model which should, but will not, lift the controversy raging around Russian exports from the realms of foggy emotionalism to the plane of thought. Some such study is needed, if a policy of intelligent national self-interest is to be developed. The commodities, treated in the order of their importance among our imports, are manganese ore, furs, sausage casings, fish and caviar, lumber, pulpwood, rags, licorice root, anthracite coal, candy and safety matches.

If space allowed, it would be desirable to condense the section on manganese ore (pp. 34-50) to illustrate the method of the writers. The sources cited are primarily American. Soviet statistics are used only for supplementary reference. From these sources the authors

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build a careful case to show that domestic "reserves [of high grade manganese ore] would hardly be adequate to cover the demands of the steel industry for more than two years" (p. 38). "Soviet manganese has gained for itself a firm position in the American market . . . because it meets the needs of the American steel industry" (p. 49). The general purpose is to show that the distribution of resources has led to a mere continuation of trends that had manifested themselves in the prewar world. The American industry is shown as a war baby living artificially in a glass case and fed with a medicine dropper. It is entirely in line with prewar trends for the Soviet manganese industry to have developed to the point it has reached; the fall in volume, from which recovery has been made, was merely an incident of the revolution. As the United States manufactures half the world's steel, it is reasonable for it to take a quarter of the Soviet exports of manganese.

The authors' case is a strong one. They weaken it at two points. In the first place they disregard entirely the low-grade manganiferous industry. They allege that American manganese production declined before it was subjected to Soviet competition. This seems to be true. But the manganiferous industry apparently grew until this competition became a factor. This is not mentioned. In the second place the authors are twice guilty of overextending themselves in statistical argument. When they wish to show that the current ratio of manganese imports coming from Russia is not unduly large, they select the year 1913 to find a characteristic prewar ratio. It is about the same as the present one. Fortunately for the sake of honesty but unfortunately for their case, they immediately present a table which shows the ratio in 1913 to have been about three times as large as in the years 1910-12 (pp. 42-43).

We are indebted to the authors for an intelligent presentation of trade conditions between two important nations. The general discussion of Russian exports (chapters i, iv and part of vii) is interesting but not profound. There is also a secondary discussion of labor conditions in Russia that is forced into the work by virtue of prohibitions on the importation of convict-made goods. The most that can be said for it is that it summarizes one side of a case and cites better authority than our Treasury Department has been able to muster.

The chapter on "dumping" is a clear exposition of the position of the U. S. S. R. The charge itself has always seemed to the reviewer so at variance with the interests of the Soviet Union that

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his judgment is warped in reviewing a chapter which he himself might have written. It is comforting in these circumstances to find supporting opinion quoted from the National City Bank of New York (pp. 163-64): "'We doubt that they intend to enrich the capitalist countries by giving something for nothing or on any better terms than seem to be necessary. They are wanting goods which they cannot produce and are trying to get them by the only means available to them.'"

The major problem of the impact of a renewed Soviet trade on world markets is ignored. It is largely true that the world learned to dispense with Russian raw materials for a period of seven or ten years. It is probably true that the United States would be richer to plan over the next generation to buy manganese ore, for example, and to sell machine tools and tractors. But in the transitional process, and especially in view of the rate of expansion of the raw material industries of Russia, a severe dislocation is almost inevitable — inevitable, be it noted, not because a communistic theory dominates the U. S. S. R. but because of the fact that a successful, only partially self-sufficient productive process is again operative.

The authors have not advanced any positive program for America. There are passing references to the desirability of diplomatic relations. There are suggestions of the part which credits might play. But the dominant point that sings from between the lines is that the United States stands to lose a trade that amounted to $130,000,000 and might have grown enormously, in order to protect insignificant, high-cost industries against $24,000,000 of imports. The case for open trade relations has been presented from one point of view. True balance requires a brief for the other side, but to give balance it will have to be far more subtle and scholarly than most anti-Russian works.

A. F. HINRICHS

BROWN UNIVERSITY

Modern English Reform. By EDWARD P. CHEYNEY. Philadelphia, University of Pennsylvania Press, 1931.—vii, 223 pp. $2.00.

Readers who remember the picture of the two nations in Benjamin Disraeli's *Sybil* will find, in Professor Cheyney's opening chapter, abundant evidence that the same contrast between the rich and the poor existed at least three decades before the days in which the scenes of the statesman's great novel were laid. A country rich in material

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possessions and in her principal institutions, England nevertheless was a land in which, at the beginning of the nineteenth century, poverty was rampant and need the general condition of the mass of the people. "The action to which the contrast led . . . is the subject of this book". The means for betterment was destined to be legislative and not revolutionary activity.

Of the early reformers, members of the "Clapham Sect", Benthamites, individuals like Place who affiliated with the working class, a group of surviving Whig members, whose enthusiasm, incidentally, the reviewer thinks to have been less than the generalizations of the book imply, critics of various institutions, even restless spirits preaching turbulence upon occasion, all alike were confronted by common obstacles: ignorance as to actual conditions on the part of the public, self-interest of influential classes, dread of change, the conservatism of the Established Church and the judiciary, and a reasonable difference of opinion, especially in a period influenced both by *laisser faire* and by the events of the French Revolution. Through the endeavor to overcome similar obstacles, however, the reformers unconsciously worked out a sort of common technique of reform. First appeared the "agitator", then an organization for extending public interest; propaganda would finally get a proposal before Parliament where after many attempts passage of a measure would probably be accomplished; finally amendments would make necessary a consolidating act. But if the process was long drawn out, the method ultimately called into existence such an extensive body of adherents as to insure success to the legislation.

The reforms of the first part of the century as exemplified in the abolition of the slave trade and slavery in the colonies, changes in the penal code, Parliamentary reform, and the repeal of the Corn Laws, seem to Professor Cheyney to represent reform by liberation, that is, "they strove to remove abuses, not to introduce constructive practices". Moreover, they were reforms *for,* not *by,* the people. But an incentive to a new and more advanced series of reforms came thereafter from the rise of the lower classes. Succeeding with a new conservative type of trade unionism from 1851 on, after the failure of earlier endeavors, and in political attainments from the Act of 1867, after the Chartist fiasco, these classes elected two workingmen representatives to Parliament by 1874, formed the Independent Labor Party by 1893, and in the meantime witnessed the extension of trade union organization to a lower stratum of society than it had previously reached. Manifestly the working-class movement explains in large

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part the differences of later reform from the reforms of the earlier half of the century.

An instance of reform legislation resulting from pressure by the organized working classes is to be found in the series of Employers' Liability and Workmen's Compensation acts. Another instance of general social reform is to be found in the legislation for the protection of sailors. More intricate is the subject of land legislation and the movement for better housing of the working classes in cities and towns, although much interesting data on the latter topic is omitted. But the culmination of constructive social reform is certainly to be found in the great mass of laws placed on the statute books between 1906 and 1914. Political machinery had come to be valuable, in the words of a prime minister, only "as it is adapted to and used for worthy social ends". And if reforms up to the twentieth century dealt with solutions for separate independent problems, more recent years have seen the growth of ideas which propose deliberately to remodel society. "Never again perhaps will a measure of reform be introduced into Parliament without considering whether it is a logical part of a general system of reform".

The volume is a model of clarity in expression and organization and, in spite of lack of bibliography and other guides for students, will be an excellent addition to reading lists for work of college grade.

JOSEPH H. PARK

NEW YORK UNIVERSITY

Europe and the American Civil War. By DONALDSON JORDAN and EDWIN J. PRATT. Boston and New York, Houghton Mifflin Company, 1931.—xiii, 300 pp. $4.00.

The lack of a comprehensive study of European public opinion in relation to the American Civil War prior to this volume illustrates the preoccupation of traditional historical writing with diplomatic correspondence and other more or less secret documents. It is perhaps not too great an exaggeration to say that the value of a document has been estimated in inverse ratio to the number of its readers. Professor Morison points out in his introduction that the references to European opinion in James Ford Rhodes are relegated to the footnotes, and the more recent studies of Professor E. D. Adams and Professor Owsley are scarcely more concerned with the subject. That contemporaries of the Civil War were aware of the influence it might have upon the course of events is shown in the

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lively efforts of northern and southern agents and of Europeans to influence it. It is true that public opinion often seems to have more than its actual influence, but it is one of the services of this book that it reaffirms the older view—in contrast to Professor Owsley's application of the economic interpretation of history—that the state of public opinion in England and France was one of the factors which turned these governments against intervention.

The chapters relating to England, which total more than half of the volume, reveal in almost every line an intimate acquaintance with the complex forces back of public opinion such as may only be acquired by a reasonably exhaustive reading of a vast amount of material in newspapers, periodicals, pamphlets, parliamentary debates, memoirs and private letters. Of the rest of the book, the two chapters on France are the most satisfactory. The authors are almost always aware that Europeans watched the conflict in America with English, or French, or Spanish eyes, and that their opinions were much influenced by their inevitably greater interest in matters nearer home. Liberals identified the success of their own cause with the triumph of the North, while conservative opinion, for the same reason, hoped for the independence of the South. Students of American history will be especially interested in the convincing evidence that there was a far more friendly and sympathetic interest in England than has been generally assumed.

The reviewer regrets the need of concluding with certain criticisms. The real merits of this book are those of a special study, and it seems a mistake to try to make something else of two unusually suggestive and interesting doctoral dissertations. The effort has unfortunate results. The title is misleading for there is very little attention given to the diplomatic story or to economic questions, nor does it indicate the main theme. The authors have felt it necessary to cover the entire continent with the result that the discussion relating to Central and Eastern Europe is so thin as to be worth little. Even the briefest treatment of Russian opinion in the sixties should not omit a reference to the Pan-Slavic press, and one seeks in vain for the effect of the German question upon German opinion in regard to the issues of the Civil War. There is no reference to the reports of the French prefects, although they contain much valuable information as to the effect of the blockade upon the textile centers in Alsace and in northern France. The omission of the usual scholarly apparatus, except for a bibliography which emphasizes English material, may not seriously diminish the value

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of the book, but it must be insisted that quotations from newspapers without the dates lose much of their significance. The time element is essential in understanding the reactions of the press. Finally, there is no specific answer to the inevitable question: What is the authors' understanding of "public opinion"?

DUKE UNIVERSITY E. MALCOLM CARROLL

Histoire du Saint-Simonisme (1825-1864). By SÉBASTIEN CHARLÉTY. Paris, Paul Hartmann, 1931.—379 pp.

Enfantin. By SÉBASTIEN CHARLÉTY. Paris, Félix Alcan, 1930.—108 pp.

M. Charléty has done those interested in Saint-Simon and his followers a considerable service in making available in a revised and improved edition his well known book first published in 1896. A certain renaissance of interest in this curious and original group, the result, in part, no doubt of the growing realization of their importance in the history of socialism, has long ago made this volume a scarce item. One of the first to obtain access to the mass of material deposited by the Saint-Simonians at the *Arsenal*, M. Charléty not only placed subsequent investigators heavily in his debt but, as the introduction to the collection from the writings of Enfantin indicates, developed an interest which has lasted a life-time.

Although the author's chief concern is with the disciples rather than the master, he presents in the introductory twenty-five pages an able and succinct summary of the life and ideas of Saint-Simon. If in emphasizing the shift in Saint-Simon's interest from the natural sciences to history and finally to religion, Charléty underestimates an essential unity of thought and continuity of purpose underlying the whole of his work, it is no doubt to avoid the errors of those who, like Durkheim, seek to make of Saint-Simon the self-consistent philosopher. As Halévy well remarked, the Count was no scholar but a *causeur*; his ideas were formed not in the library but in conversation, often convivial, and show the range and incoherence of a sprightly conversationalist. Nevertheless his consistence of purpose and his ultimate belief in the power of reason to reconstruct a philosophy of society somehow joined his whims, reminiscences and afterthoughts into a system whose unity probably escaped himself.

Both in the *Histoire* and in the little book on Enfantin, Charléty properly focuses attention on the *Producteur* and the *Exposition de*

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la doctrine as the decisive documents in the development of Saint-Simonian thought. In this periodical and in the series of lectures known as the *Exposition* the disciples were not only popularizing the ideas of the master but were developing their own thought, eliminating much of what Saint-Simon had considered important and adding conceptions to which he would never have subscribed. In the hands of the Saint-Simonians the doctrine envisaged the relation of employers and employed as a species of slavery, advocated the abolition of inheritance and, altogether, approached considerably nearer socialism than their predecessor had intended.

The introduction to the collection of excerpts from the writings of Enfantin presents a penetrating analysis of that extraordinary person. "*Magnetiseur*", as Chevalier called him, charlatan, as he appeared to others, there is no denying that he exerted a profound influence upon a group of men of distinguished ability. Enfantin, says M. Charléty, was more loved than understood by the disciples while Bazard, the other principal Saint-Simonian leader, was more understood than loved. It is true that Enfantin's significance in the Saint-Simonian movement rested principally upon his personal charm but it is not quite realized, nor does Charléty make it entirely clear, to what an extent Enfantin shaped and formulated the characteristic economic ideas of Saint-Simonism. His articles in *Le Producteur* are not only intelligent but original and although Charléty prints a number of excerpts from these articles in the section dealing with Enfantin's economics he does not, perhaps, allow their importance sufficiently to affect his judgment in explaining Enfantin's position in the Saint-Simonian movement.

The *Histoire* is supplemented by a bibliography which neglects a number of the German works of importance on the subject but which is exceedingly useful to those concerned with Saint-Simonism.

EDWARD S. MASON

HARVARD UNIVERSITY

The New Survey of London Life and Labour. Volume I: *Forty Years of Change.* London, P. S. King & Son, Ltd., 1931.—xv, 438 pp. 17s. 6d.

This is the first volume of the detailed survey of the city of London undertaken by the London School of Economics to parallel the famous work of Charles Booth during the last decade of the nineteenth century. Booth's pioneer survey sought to measure the extent, forms and distribution of poverty and well-being in the London

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of the 1890's. The *New Survey,* using as far as possible the categories set up by Booth, aims to show by comparison the social progress of the last generation. The present volume is devoted to a study of general changes, to be followed by five volumes describing things as they now are with reference to special industries and to the general problem of poverty, and by two volumes of "poverty" maps. The whole enterprise has been carried on under the most favorable auspices, having the coöperation of the various departments of the government, not only in the furnishing of statistics but through the gathering of additional data by public officials in the course of their routine work.

This is the summary volume, in which average changes are presented by means of index numbers. Following Booth's example, the *New Survey* places its chief emphasis upon the question of poverty and its alleviation. Although population figures and vital statistics necessarily include the whole population of London, other material is confined as far as possible to the working class. Thus, the rent series used to show the course of working-class rentals is limited to dwellings renting for £50 a year or less, and this limit, in turn, was only used after it had been compared with the course of dwellings renting for £30 or less. The volume is made up of tables and charts, prepared with the utmost conservatism and care, accompanied by a lucid exposition of their content and meaning and a brief, cautious discussion of their general significance. The authors have been fortunate in having at their disposal official statistical series covering a wide variety of subjects and a long period of years. The fulness of the sources may well arouse the envy of anyone trying to make a comparable study of all or part of an American city.

The problem of presenting the material has not called for the use of any very complicated statistical techniques aside from those involved in making careful selection of basic figures and in splicing index numbers. Realizing, however, that the figures published in this volume will unquestionably be extensively used, and that the value of a statistical table depends almost entirely upon a knowledge of how it was obtained, the authors have appended a note to each chapter giving exact sources and methods of manipulation. In this respect, this study is a model one of its kind.

The study of forty years of change shows the London population spreading into the outer sections of the metropolitan area, bringing a decrease in density in the central part and no increase in the proportion of the population of the kingdom residing within greater Lon-

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don. The drift from country to metropolis seems to have slackened, for the proportion of London-born has risen markedly. The rate of natural increase, has, meantime, decreased in the city in approximately the same proportion as in the nation—from 11.2 per cent for England and Wales and 10.8 per cent for London in 1891 to 4.3 per cent and 4.0 per cent respectively in 1927. By comparing the cost of living index, which shows a rise of approximately 83.5 per cent in the cost of necessities, with various indices of wages and earnings for certain representative trades, the authors conclude that there has been an average rise of approximately 30 per cent in real earnings, accompanied by a 13 per cent decrease in hours of labor since 1889. Rents have shown a somewhat smaller increase than the cost of living as a whole, presumably because of post-war rent control, but the decrease in overcrowding has been far from satisfactory, more than a third of the tenement dwellers of central London living with two or more persons to a room in 1929. No trend can be shown in the rate of unemployment, the rate for 1929 being probably slightly higher than that at the time of the Booth survey and slightly lower than in the years immediately preceding the war.

The basic improvement here exhibited in the lot of the London workingman is presented only as an average change, and it remains for the succeeding volumes to show how this general change bears upon different economic groups. Although this volume takes up in summary form the further advantages which have come to the wage earner through the extension of public facilities and services with respect to transportation, health, education and recreation, it postpones the detailed consideration of "how far the average improvement of material conditions in London which has certainly taken place has been reflected in a corresponding diminution of real poverty", and "has resulted in a fuller and less narrow and stunted existence for the poorer members of the community" (p. 131).

As the title implies, this work is almost purely descriptive and makes no attempt to set out any sociological principles. Almost the only conclusions as to causal relationships which are risked are those attributing the great drop in infant mortality to the production of a generation of educated parents as a result of the compulsory education law of 1870 and explaining much of the leveling in manners, speech and dress between social classes by the contacts rising from the great increase in travel.

CAROLINE F. WARE

NEW YORK CITY

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BOOK NOTES

Changes in the Structure of World Economics Since the War, by Felix Somary (London, P. S. King and Son, Ltd., 1931; 221 pp. 7s. 6d.), is a very interesting small book which developed out of a course of lectures delivered at the University of Heidelberg. The title does not sufficiently indicate the breadth and scope of the author's survey; it is more than a study of international trade and finance since the war, for it is much concerned with the economic structure within the states of Europe. In fact the author is quite successful in showing that every economic policy is dependent upon the construction of the state, and that the ideals and ideas of those who exercise the government will dominate its economic life, a point which stands out with unusual clarity in the chapters dealing with Russia and Italy. However, the author is very much concerned with international or interregional trade and finance, and his chapters on "Europe in Relation to the United States" and "The British Empire" show keen insight. In this very compact essay dealing with the economic changes on a world scale since the war, and the philosophy behind those changes, the modern economist will find a very restful lack of statistics and a most agreeable abstinence from research into official documents. It is a book of opinions and observations by a prominent Continental banker, whose wide practical contacts coupled with theoretical training provide him with unusual fitness for his task. In his combination of business experience with a grasp of economic principle one is reminded of Walter Bagehot, who would have been delighted with this study. Dr. Somary is very much concerned with three things: first, the shift in the balance of economic power and political prestige since the war, the principal change being in the position of England and the United States. He is well aware of the financial strength of New York, and of the industrial power of our country, which furnishes the basis for this amusing comment, "It is almost an intolerable thought that the U. S. A. will be the centre of industry, while Europe will act as hotel keeper to Americans" (p. 74). In the light of the present depression we wonder if his praise of our economic structure would not be considerably modified. While Somary dates his preface more than a year ago, it is clear that it

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1930 he did not realize the extent and seriousness of the present depression; but then, who did? In the second place our author is very much concerned with the necessity of so organizing the economic structure of Europe as to restore and promote the trade of the Continent. This is largely a political problem requiring a tearing down of tariffs on a great scale. He finds much to condemn in the post-war outbursts of nationalism in the succession states. This is one of the best parts of the book, and it is obvious that the author here is very much at home with his subject; his demand for freer trade is the challenge of economic common sense to protectionists blinded by nationalistic prejudice and mercantilistic ignorance. But we doubt very much whether his argument will penetrate the understanding or influence the action of the Continental Hawleys and Smoots who block the way and darken counsel. Finally, Dr. Somary takes up the challenge of modern socialistic ideas and practices to the liberalism in which he believes. While he gives the modern state a large part in the ordering of economic life, he still maintains that in the development of private initiative and the promotion of free exchange over wide areas lies the way to a better economic life in Europe. He argues strongly for the maintenance of free enterprise and the profit motive, having little faith in the efficiency of governmental bureaucrats, contending that what is lacking in state enterprise is rational, profitable calculation. Everywhere in Europe he finds socialism allied to nationalism; everywhere he finds the socialistic state putting up protective barriers, and concludes that it is untrue to the international ideals of its founders. Russia is carrying this restrictive nationalistic policy to extremes, and if all Europe followed her course the situation would be desperate; "twenty-four separate socialized states would be an even greater catastrophe for Europe than the present position" (p. 190). This small book deserves a wider reading than it has received in the English-speaking world. It is full of challenging observations, and whether one agrees with the author or not he will find his thought upon many aspects of the world situation stimulated. The English translation by the Misses Henderson and Marffy, under the supervision of Professor T. E. Gregory, who contributes an introduction, is well done; its readableness adds to the value of the book.—HERBERT F. FRASER, Swarthmore College.

David J. Saposs' *The Labor Movement in Post-War France* (New York, Columbia University Press, 1931; xviii, 508 pp. $6.00), the fourth volume in the series *Social and Economic Studies of Post-*

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War France, is a worthy continuation of the tradition and method of scholarship established by Mr. and Mrs. Sidney Webb in England and by John R. Commons in the United States. Like the works of the above-mentioned authors, Mr. Saposs paints a broad canvas. Unlike some other historians of the same class of subjects, he is loath to ignore movements which, in all probability, do not appeal to his sympathies, such as the "welfare-capitalism" movement of the anti-union employers and the socio-Catholic movement among the workers themselves. He also gives considerable attention to the coöperative movement and naturally the political and trade-union movements and labor legislation come in for due but not disproportionate attention. Mr. Saposs shows us how the French labor movement, which before the war belonged to the syndicalist type, in common with the labor movements of the other Latin nations of the Mediterranean, has subsequently developed a conservative trade-union minded wing more or less on the German-Scandinavian social democratic model; meanwhile its other half has linked up with the Communist International. The author is entitled to a great amount of credit for treading so sure-footedly in an alien country, as well as for the painstaking and thoroughly objective analytical method with which he picks his way through the maze of contradictory developments. If the reviewer is to permit himself to make a single suggestion it is the following one. Post-war France is the political and financial dictator of Europe and of the world, not just by virtue of its military victory but by virtue of the fact that its financial strength and stability of policy rest upon an exceedingly large lower middle class, including the peasantry. It is probably the tragedy of the French labor movement that it has so long neglected bringing itself into some sort of a *rapport* with the basic social set-up of France, in which these classes constitute the dominant factors. Consequently, it would appear that a helpful evaluation of the rôle of the French labor movement in the highly critical world situation of today might be obtained by emphasizing not only labor's relation to the employing class and to the government but also to the dominant mentality of the peasantry and the petty bourgeoisie in general. Unless one keeps the latter in mind one may easily indulge in building up unfulfillable hopes and unrealistic expectations. However, the author very evidently has followed the assignment laid down for him by the general plan of the whole series, and therefore can scarcely be blamed for having failed to transgress the boundaries of his own assignment. No fair-minded

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critic can withhold from him the honor of having most creditably acquitted himself in an exceedingly difficult task.—S. PERLMAN, University of Wisconsin.

Professor Manley O. Hudson has prepared a third edition of his invaluable handbook, under the title, *The World Court, 1921-1931: A Handbook of the Permanent Court of International Justice* (Boston, World Peace Foundation, 1931; xiv, 245 pp. $2.50). The introductory section on the History of the World Court has been slightly expanded; the Chronology is brought up to date. The full personnel of the Court for both electoral periods has been inserted in a new section. The kernel of the book is, as before, the concise, exact and reliable digests of every case before the Court. Five new judgments and six advisory opinions have been added, bringing the totals to sixteen judgments and twenty advisory opinions. The last advisory opinion included is that of September 5, 1931 on the Austro-German Customs Union. Two advisory opinions have been given since Mr. Hudson's book was printed. The documentation included in this edition is considerably larger than that in the second edition. It includes the complete record of the negotiation for the adherence of the United States and includes Mr. Root's memorandum for the Senate Foreign Relations Committee explanatory of the Protocol for the Adhesion of the United States. The other essential documents relating to the Court from the Procotol of Signature of December 16, 1920 to the Protocol for the revision of the Statute of September 14, 1929, together with lists of signatures and ratifications down to October 1, 1931, are printed in full. There is no better handbook on the Court for ready reference and study of the documents and other basic data. There probably will be none better until Mr. Hudson produces a fourth edition.—PHILIP C. JESSUP.

To his long list of books on the constitutional law of the British Empire Professor Arthur Berriedale Keith has added an outline sketch of the whole subject, entitled *An Introduction to British Constitutional Law* (New York, Oxford University Press, 1931; viii, 243 pp. $2.50). Though intended for beginners, it will probably prove at least as useful, as a résumé, to those who already know a good deal about the subject. It is a model of concise exposition. About three-quarters of the space is allotted to the United Kingdom, the rest to the Dominions, colonies, protectorates, mandated territories, foreign jurisdiction and India. Opportunity is found for brief discussion of recent issues, such as delegated legislation and administrative justice, and in general the author has taken pains

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to be strictly up to date. The constitutional recommendations of the Imperial Conference of 1930, to which effect has now been given by the Statute of Westminster, receive careful consideration. In a postscript to the preface, written after the book was in press, attention is called to the highly important announcement made in March, 1931, that the Government of the Irish Free State, in matters relating to its foreign affairs, would henceforth tender advice directly to the King, without the intermediation of the British Secretary of State for Foreign Affairs, and that a new seal, to be struck and kept in Ireland, would be used in instruments for the negotiation and ratification of Free State treaties. In Dr. Keith's opinion this decision "makes it clear that the relations of the United Kingdom and the Free State are those of a personal union, subject to the terms of the treaty of 1921, and marks the most decisive step yet taken towards the termination of the diplomatic unity of the Empire." It is probable that one reason why the Free State insisted upon this change of procedure was that Dr. Keith, in earlier writings, had emphasized so strongly the significance of the part played by the British Government in Dominion treaty-making.—R. L. SCHUYLER.

In offering an addition to the numerous volumes of "source materials" the authors of *The Family* (by Edward B. Reuter and Jessie B. Runner; New York, McGraw-Hill Book Company, Inc., 1931; x, 615 pp. $4.00) claim that it was prepared "to supply a real need for guidance" in the study of the family, and that "the materials here offered are designed to focus the attention upon the essential values and processes rather than upon family decadence, divorce, and other trivial or irrelevant matters". The volume is better than this somewhat infelicitous statement might lead the critic to expect. In the absence of a really good textbook on the family —which is much more needed—it should prove useful for courses on the subject. The arrangement is good and the selections on the whole well made. The history of the family, however, is given a very inadequate treatment, perhaps because the authors offer very little space to other than American writers. Nor are the functional aspects of the family given their due importance in the study of its changes. More attention is devoted to the psychological and moral aspects than to the strictly sociological. These limitations are no doubt due to the point of view of the authors, who are more concerned with family life than with the family as a form of organization. From this point of view the selection has been made with skill and discernment.—R. M. MACIVER.

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The history of few new countries rivals in interest that of Australia. Founded as a penal colony and for several decades governed as a prison-reformatory, Australia gradually gained freedom, developed the individualistic habits and theories indigenous on frontiers, then abandoned these and began far-reaching experiments in state socialism. *An Economic History of Australia*, by Edward Shann (Cambridge, Cambridge University Press, 1930; xiv, 456 pp. $6.00), helps us to understand what took place. Professor Shann gives not only the events but also the whys and the wherefores. Against a geographical and political background, the author depicts the shifting scenes of Australia's economic and to some extent its social history from the founding of the first penal settlement at Port Jackson, January 26, 1788, till the year 1928. He traces the exploration and occupation of the land in the different colonies, the history of transportation, land laws, immigration, labor, currency and finance, wool growing and marketing, wheat and sugar growing, the gold rushes, communications, shipping and the tariff. The author reveals successfully the interplay of personal, political, economic and geographical factors in shaping the course of Australian history. The importance of the British connection, particularly in the field of finance, is clearly shown, and the reader is made aware of the effects of international economic conditions and policies upon Australia. Professor Shann is most at home with the problems relating to the land and to agricultural industries. Whaling and sealing, which were of some importance in the early days of New South Wales, are passed over, and in dealing with the tariff it appears that the works of the late Professor Allin on Australian tariff history have escaped the author's attention. That transportation was socially a curse but economically of some benefit in supplying cheap labor seems clear from the evidence presented by Professor Shann. The handicaps imposed on Australia by the unpromising start were overcome rather early—if we except the tendency of the population to congregate in the cities, which has some connection with the origins and character of the early settlers. More serious obstacles to a sound and strong economic life in Australia have been the remoteness of the continent and the fact that generally speaking only the coastal fringe is suitable for agricultural settlements. Readers of Professor Shann's book will perhaps also feel that Australia has suffered by having its economic development at times too highly stimulated, partly by large influxes of British capital and partly by the policies of Australian governments. On the latter

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point the author is cautious in expressing judgments. However, a warning note is struck in the last paragraph of the book. "A government or board of control", he writes, "that seeks to fake the world's prices does so at the peril of the citizens and producers whom the faked prices mislead." The work is based on extensive research, and the result is a very useful book. The author has an eye for the picturesque, and this perhaps is responsible for his treatment's being in place so episodical that the outline remains blurred. However, more serious is the total absence of maps. When will publishers learn that it is positively a crime to put out a book tracing the growth of settlements, the geographical distribution of rainfall, of industries and of population, and kindred topics which necessitate the giving of hundreds of place names, without a map to aid the reader?—Paul Knaplund, University of Wisconsin.

Otto Köbner was the first German professor ordinarius for foreign and colonial policy, and was one of the pioneers in the work of putting the study of world problems on a sound scholarly basis. His influence was great, and he counted among his friends men like Stresemann. On the occasion of his sixtieth birthday his friends and former students presented him with a collection of essays, entitled *Aussenpolitische Studien: Festgabe für Otto Köbner* (Stuttgart, Ausland und Heimat Verlag, 1930; 408 pp. Rm. 12.50). The excellence of the collection will be attested to by names like Bergsträsser, Dessauer, Frangulis, Giese, Grabowsky, Hoetzsch, Strupp, Valentin and Vogel, to mention only some of the most familiar. Volumes of this type almost always present the reviewer with an insoluble problem, for the diversity of subject matter defies a well-ordered treatment. In the field of world politics the possible range of variety is endless, and the essays here presented, historical and political, general and particular, long and short, touch upon the problems of all continents as well as upon the questions of international relations as such. The volume opens with one of the longer articles, written by Otto Hoetzsch and dealing with education in foreign affairs in American and German universities. This essay is obviously the product of the author's visit to America. It contains some shrewd remarks with respect to American conditions and some very appreciative observations upon the effort made on this side of the Atlantic to develop what may be called a "global" viewpoint. The factual material, however, is not always as well balanced as it might be, and the American reader will soon detect that Hoetzsch is speaking rather of what he has seen than of what

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he ought to have seen. Among the other contributions special mention might be made of a rather keen critique of Politics as a Science (Gottfried Salomon), of a most interesting study of the Minorities Problem in the time of the Frankfurt Parliament (Ludwig Bergsträsser), of an unusual article on the Colonial Militia System in Japan (T. Uehara), and of a succinct essay on the Conflict between Church and State in Mexico (Wilhelm Arntz). The longest contribution in the volume is the article on the Settlement of the Roman Question and the Lateran Treaties, by Karl Strupp. This is a well-documented monograph, in the author's usual style, succinct and clear, and is easily one of the best brief treatments of a difficult topic. Adolf Grabowsky's essay on the Foreign Policy of Soviet Russia is not documented, but is well-informed and stimulating. The International Position of British India is discussed in a most illuminating scholarly contribution by Wolfgang Kraus which can be highly recommended to those who are interested in the burning question of India's status and future. Karl Klinghardt, who is one of the best informed German writers on matters touching the Near East, makes an interesting effort to explain the Chief Phases of Turkish History in the 20th Century in Their Relation to National Characteristics. On the whole, this *Festschrift* is full of good things, and gives gratifying evidence of the seriousness with which foreign affairs and especially extra-European problems are being followed in the new Germany. — WILLIAM L. LANGER, Harvard University.

Jesse T. Carpenter, the author of *The South as a Conscious Minority, 1789-1861* (New York, New York University Press, 1930; x, 315 pp. $4.50) very modestly professes to do no more than "play the part of a compiler and organizer", being content to permit the spellbinders of the Old South to speak again in his pages through the device of numerous quotations. Mr. Carpenter has displayed remarkable ability in marshaling and presenting his facts. Unfortunately he has based his thesis upon two major premises, neither of which is wholly correct. His statements (pp. 3-4) that the people living "below the Mason and Dixon line always considered themselves a separate and distinct people", and that "this united people was a minority people" who consciously strove through three-quarters of a century "to evolve an adequate philosophy of protection to its interests in the American Union", are not convincing. Having stated these two premises without qualification, Mr. Carpenter then proceeds to quote voluminously from those state-

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ments only of Southern politicians which tend to substantiate his premises. Enough labor has been expended in trying to analyze and interpret the still unsolved problems of Southern history to have accomplished the task long since if "this existence of a unified Southern minority consciously striving for so long a time toward a common goal" (p. 5) were anything but the figment of imagination. The South never was a unit until after Lincoln's election (if then), and only to the extent of resistance to what it regarded as military tyranny. One wonders where an Andrew Jackson, an Andrew Johnson, or even an Alexander H. Stephens would fit into the picture of a people who thought "of themselves first as a part of the South, and only then, if at all, as a part of the Union." But, in this legalistic treatise, one ceases to be surprised at what one finds. The materials are drawn too heavily from the Fire Eaters of the South Carolina school who were no more representative of a united South than they were of Jeffersonian liberalism; and whose speeches smacked of an exaggerated sense of their own importance in the social system as much as of a conscious concern for the welfare of their section. The reader has a feeling that Mr. Carpenter is constantly reading backward from his evidence in order to construct the continuous processional of four major sources of minority protection: local self-government, the concurrent voice, constitutional guaranties and independence. That is especially true of the chapter dealing with the question of slavery in the territories. "The territorial dispute was evidently only a means to an end. It was developed to determine the value of Southern reliance upon Constitutional guarantees for the protection of negro slavery in the existing Southern states . . . Only for this purpose were the efforts of Southern political thinkers centered upon the territories during the decade of the fifties". This amazing statement (pp. 154-55) is supported by a single quotation from Alexander H. Stephens, in 1857, to the effect that he never had much faith in the territories' becoming slave states. There were a great many Southerners, however, who did expect slavery to expand to the territories, as a little more research would have revealed. In fact, an examination of the files of *The Charleston Mercury* alone would have saved the author from two grievous errors: the one mentioned above and the statement (p. 185) that Robert Barnwell Rhett never took "an open stand with the secessionists *per se*." Most Southerners, but not all, had given up hope by 1860 of extending slavery to the territories; but to read backward a decade as Mr. Carpenter has done is absurd.

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A proper treatment of the crisis during the years 1847-1851, almost entirely omitted, would have done much to destroy the uniform pattern of a united South, but it would have added greatly to the value of the book.—DWIGHT L. DUMOND, University of Michigan.

The sixty-third volume in the series of service monographs of the United States Government prepared by the Institute for Government Research—*The United States Shipping Board* (Washington, The Brookings Institution, 1931; xi, 338 pp. $2.50) by Darrell H. Smith and Paul V. Betters—maintains the high standard of this series. This volume contains the usual careful survey of the history of the agency investigated, together with detailed descriptions of its activities and of its organization. Further details, a list of publications, transcripts of laws and financial statements, copies of important documents, statistics and an excellent bibliography are appended at the end of the volume. No attempt is made at a critical evaluation of the shipping policies of Congress or of the measures of the Board itself. This volume, like its predecessors, affords incalculable aid to students of federal administration, but is not designed to exert any direct influence upon the determination of a national shipping policy.—A. N. HOLCOMBE, Harvard University.

Mr. Eugen Diesel (son of the constructor of the Diesel motor) has written a book that impresses one with its non-German character —*Germany and the Germans* (New York, The Macmillan Company, 1931; ix, 306 pp. $2.00). The author realizes the particular character of his work, describing it in a foreword as "geophilosophy". The book is a brilliant achievement in approaching, in a rather impressionistic way, a country and a people in their totality. A sincere and sometimes merciless impartiality is Mr. Diesel's other asset. One must have lived in Germany for several years (like the writer of these lines, who is not a German) to be able to appreciate the truth of many bitter remarks scattered throughout the book. I refer to statements concerning German dogmatism, the worship of legal technicalities and the bland sanctification of all things German. It is acutely observed that "the German will not realise that the whole world does not necessarily want his particular type of 'order', a type which he considers to be order in the absolute sense" (p. 153); and that an "atmosphere of sinister oppression and mechanical existence broods" over the soulless buildings of some quarters in Berlin (p. 102). There is sharp justice in the biting remark about the commercialized local patriotism: "there is not a single hilly region that does not make capital out of its fame as a 'Switzer-

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land', in the middle of a plain" (p. 57). The author probably has exaggerated the influence of geographic factors in molding the German character and has failed adequately to evaluate such important German institutions as the Reichswehr and the political parties. He seems also to lack a deep insight into the mentality of German youth and appears to be unconscious of the struggles and skirmishes which are prefatory to civil war. The latter defects are the result of the author's endeavor to generalize at any cost, to ignore significant group and class distinctions and to force now and then the variety of life to fit the Procrustean bed of delusive formulas. In his suggestions for the future Mr. Diesel appears to have an aspiring international mind, but his noble hopes affect his reception of realities, when he assures us that "the more intolerable life in Germany becomes the more will the German people be persuaded to venture out into the sea of the living European spirit" (p. 296). Just the opposite is shown by the growth of the Nazi movement. In the realms of folkways and national traits, the book (carefully translated by W. D. Robson-Scott) is a valuable contribution to the understanding of Germany. — BORIS SCHOENFELDT, Columbia University.

Those who are anxious to get down into the very marrow of the political problems connected with British rule in India will find *Die staats- und völkerrechtliche Stellung Britisch-Indiens* (Leipzig, Robert Noske, 1930; viii, 226 pp; Rm. 12; vol. 17 of *Frankfurter Abhandlungen zum modernen Völkerrecht*) by Dr. Wolfgang Kraus a book worth the hard reading it requires. Primarily an investigation of India's international legal status as involved in her inclusion in the British Commonwealth of Nations, the signature of international conventions in the name of "British India" beginning in 1893, India's membership in the League of Nations, and the appearance of "India" as a signatory to conventions since 1926, Dr. Kraus's work entailed a study of India's political position under British rule. A brilliant historical introduction from the founding of the English East India Company to 1918 is followed by an incisive survey of the existing governmental arrangements in British India. The transformations undergone by western institutions under the influence of eastern concepts make considerable descriptive detail necessary, but these sections (pp. 35-100) are as compact and objective an exposition of the working of the present-day Indian government as can be found. The legal and political relations between Great Britain and India are then taken up, with a full dis-

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cussion of all the anomalies of India's membership in the company of self-governing Dominions of the British Commonwealth, but without a trace of understanding of Anglo-Saxon pragmatism. The section on India's position in international relationships, necessarily brief because the materials are as yet too slight and fugitive to serve as a base for rationalization, is followed by a short section on the timely topic of constitutional reform. Dr. Kraus feels that democratic parliamentarianism may not be the answer to India's problem. A larger ingredient of authority may be necessary at least for a time, but in any case India's future will be "Indian, not English". It is a matter of regret that the proofreading was so poorly done that six pages of errata accompany the volume.—F. C. DIETZ, University of Illinois.

L'Éveil des nationalités et le mouvement libéral (1815-1848), by Georges Weill (*Peuples et civilisations: Histoire générale*, vol. XV; Paris, Félix Alcan, 1930; 591 pp. 70 francs), is a book thoroughly typical of French historical scholarship, of the series to which it belongs, and of its author. In its happy combination of sound scholarship and effective presentation it is characteristically French. In its wide scope, its condensed statements and its ability to combine a vast amount of well selected data with broad but valid generalizations, it is characteristic of the series. In its firm grasp and sound understanding it exhibits the qualities which have marked all of the numerous earlier works of its author upon the period with which he is here dealing. The scope of the book is broader than its title would indicate. Attention is naturally focused in the main upon Europe, but place is made for three interesting and valuable chapters upon the world outside of Europe. The chapter upon the United States shows an uncommonly good understanding of American history. It is also conspicuously free from blunders of fact. While the main theme of the book is political history, nearly half of the space is devoted to the intellectual, economic and social aspects of the period. The chapters upon religion, romanticism and science bring out clearly and sharply the salient features of important movements of thought that profoundly affected the life of the time. In the chapter upon the workingmen and socialism M. Weill furnishes a clear and penetrating account of much discussed social theories which had no practical result at the time but were destined to exert a large influence at a later date. From this description it will be readily seen that the book belongs to the new type of history. It is in appearance at least a marked departure from the older type

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of purely political history. It bears evidence of a strong effort to make the reader realize that religion, literature, manufacture, commerce and social customs belong to history quite as much as political changes. The new topics, however, are placed in separate chapters. While each chapter is admirably done, the impression it leaves is of something apart from the main stream of history. The book is really two or three books rather than one. If the separation be defended upon the ground that so many distinct elements could not be combined in a single narrative, is that not a confession that the older type of history is not altogether without its justification? Is it not an admission that as yet the new type differs from the old more in form than in substance?—Frank Maloy Anderson, Dartmouth College.

Another indication of the growing concern of the church with social relations comes to us in *The Church and Industry* (New York, Longmans, Green & Co., 1930; xiii, 273 pp. $2.50) by Spencer Miller, Jr. and Rev. Joseph H. Fletcher. The subtitle, "An account of the relations of the Episcopal Church and the Church of England to Industry", is a fair description of the contents. The book is the result of eighteen months of study in England and the United States by the Consultant on Industrial Relations and his research assistant of the Department of Christian Social Service of the Episcopal Church. "The precise purpose of this volume" say the authors, ". . . is to trace briefly the history of the Christian Socialist Movement as it developed first in England and subsequently in the United States" and "to examine the manner in which the principles of the Christian Socialist Movement are being exemplified in the parochial life of the Episcopal Church in the United States today by the selection of a group of representative industrial parishes for more detailed examination." Three-fourths of the entire volume and all of the field studies are devoted to the United States. The first half of the book deals with the history of various Episcopal Church organizations concerned with the relations between capital and labor, beginning with the Christian Socialist Movement in England and ending with the most recent pronouncements on the subject by the Lambeth Conference (1930). The account of the movement in the United States begins with the organization of the Church Association for the Advancement of Labor (1887) and closes with the post-war activities of the Church League for Industrial Democracy. The second half of the volume consists of field studies of four American industrial communities—West Frank-

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fort, Illinois; Kenosha, Wisconsin; Monongahela, Pennsylvania; and Durham, North Carolina. Only those aspects of significance from the standpoint of the parochial activities of the Episcopal Church are touched upon, such as "the number of church members, their occupations, conditions of life, influence on and from fellow Churchmen, the relation of the parish in whatsoever respect to labor and employers, the opinions of the vestry, employer and worker communicants and other information necessary to an intelligent survey" (p. 132). The promise somewhat outstrips the performance, for the studies are very sketchy and, of course, in no sense a complete account of the church life of the industrial communities concerned. As to method, "representative persons" among the clergy, labor elements, and, when possible, employers and public officials were interviewed. Statistics of church membership and wages are introduced. "The reports when completed were sent in each case to those interviewed for their examination and criticism" to insure "the authenticity of the facts and figures as originally secured and to get a balanced judgment of our interpretation" (p. 132). The attempt at disinterested and objective study and the avowed intention not "to discuss the justice or value of any of the conditions described" (p. 133) is as commendable as it is unusual in a work of this kind. Otherwise the book develops little that is new. Appended to the volume are an occupational classification of Episcopalians in "Who's Who", the resolutions of the General Convention on Industrial Relations, a good bibliography, and an index.—GEORGE A. LUNDBERG, Columbia University.

Under the title, *Lincoln and His Cabinets* (New York and London, Charles Scribner's Sons, 1931; ix, 366 pp. $3.50), Dr. Charles Edward Macartney has written an anecdotal, chatty book in which much interesting and a great deal of inconsequential information about the relations of Lincoln and the members of his cabinet is assembled. The book will interest the general reader, for whom it is obviously written, but will prove of little value to the serious student of Lincoln's administration. The style is clear and the narrative holds the reader's attention but does not absorb it. The first chapter, "A Nation Adrift", gives a brief account of the confused state of public affairs from the secession of South Carolina to Lincoln's inauguration and argues that a Jackson in Buchanan's place would have prevented civil war. The succeeding chapters deal in turn with each of the original members of the cabinet but with Stanton alone of the subsequent appointees. The character sketches

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of the war president's advisers are well drawn and life-like. Stanton is clearly the favorite of the author. Chase comes next in his regard, while Seward, whose loyalty and intellectual qualities are recognized, is pictured as lacking in self-reliance and conviction and prone to gain his ends by political trickery. The book leaves its reader puzzled to understand how Lincoln could be so great as Dr. Macartney says he was, in the face of the numerous belittling incidents which he relates. There is a failure to emphasize the essentials of Lincoln's political and military strategy which, in the long run, far outweighed his generally conceded violations of sound administrative principles. The thesis of the author is declared in the introduction in the statement: "One of the best ways to hold and retain the real Lincoln, a man of like passions with us, a man of greatness, and also of limitations, is to see him through those great intellects and noble patriots whom he called into his Cabinet to serve the Republic in the dark hour of its terrible peril." The actual development of the thesis seems rather to reverse the relation, leaving the general impression, nothwithstanding statements of the text to the contrary, that cabinet members were the real master minds of the administration. The evidence presented does not substantiate the frequent assertions of Lincoln's supreme statesmanship. In short, the book is a more satisfactory exposition of the character and achievements of the cabinet members than it is of their chief. Dr. Macartney sides with the radicals of 1861 and 1862 who failed to understand or sympathize with Lincoln's desire to secure and retain the united support of both conservatives and radicals for the supreme task of saving the Union. He does not comprehend either the political and military necessity of dividing the South by saving the border States to which Lincoln subordinated all other considerations in 1861 or the equally imperative need of uniting the North by concentrating effort upon the task of saving the Union and deferring radical action on the negro question until it could be taken without bringing the whole federal structure down in ruins. He states (p. 157) that after Antietam Lincoln finally awoke to the real situation at home and abroad in respect to the danger of longer delaying negro emancipation and issued his preliminary proclamation. The fact is that Lincoln had decided in July to take the momentous step and only awaited the favorable time which a military victory would present for making his decision known to the world. Criticism of faulty arrangement of material used and of inadequate correlation between opinion and evidence might justly be made but

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on the whole the book is a worthy addition to the popular histories of Lincoln's administration and the theme, dealing with one of the less hackneyed phases of Lincoln's career, was happily chosen.—MARSHALL S. BROWN, New York University.

The Basic Industries and Social History of Japan: 1914-1918, by Ushisaburo Kobayashi (published for the Carnegie Endowment for International Peace by the Yale University Press, New Haven, 1930; x, 280 pp. $3.25) is one of the Japanese series of the *Economic and Social History of the World War* edited by Professor Shotwell. The contents of the volume are divided into four parts which bear the following captions: agriculture, mining and metallurgy, forestry and the fisheries, and economic measures and social effects; but from this one must not expect a well-balanced, comprehensive treatment of these various subjects. In fact nearly half of the work is devoted to a discussion of matters relating to agricultural industries, in particular to those pertaining to rice and silk, while more than a third is given to mining and metallurgy. The survey of "social effects" is disposed of in twenty pages; this is rather disappointing especially in view of the fact that the author himself introduces the subject by stating that "the effects of the war on the social life and organization of Japan were almost incalculable" (p. 261). Because of the nature and scope of the present volume, it is impossible to describe or criticize it in general terms. A brief comment upon what appears to be the most important subject presented, namely, the problem of rice, must suffice. Rice is the cereal of vital importance for the Japanese and it is one of their leading crops. "And, naturally, therefore, its price movements and conditions of demand and supply very greatly influence both the business life and the position of agriculture" (p. 11). Moreover, the increased consumption of rice due to the growing population and to the rising standard of living has forced Japan to import regularly certain amounts of this cereal. Thus its price fluctuated with the size of the crop as well as with the amount imported from abroad, often resulting in hardships on the part of consumers or producers. Acute situations developed during the war period, and the government was forced to adopt measures to regulate the price of rice. The measures adopted by the Okuma Cabinet (1914-1916) sought to raise the price while those put in operation by the Terauchi Cabinet (1916-1918) attempted to bring the price down. The author analyzes these measures in detail and concludes that they proved ineffective in practice. The social

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aspect of the problem may be seen in the so-called rice riots. "The price of rice, unaffected by the outbreak of war, was low till well on into 1915, but began to rise in 1916. The rate of increase becoming more rapid in 1918, its retail price rose to 36.20 yen in June of that year. When it reached 45.21 yen in July, the public was decidedly concerned, and in many places there broke out the so-called rice riots. True, the price of rice was then not so high as it became in February, 1920. But, as compared with 1917, it was 170 per cent higher. The outbreak of grave demonstrations was the natural result, and they went on for a month, beginning early in August" (p. 272). In a like manner the subjects above-mentioned are treated, with details, however, varying in accordance with the importance attached to them by the author. The work as a whole is one of the most satisfactory studies of Japan's basic industries that has appeared in the English language, and constitutes a distinct contribution to the history of the World War; the author is satisfied with the presentation of available data objectively analyzed, refraining from expressing his own opinions and leaving the reader to formulate his own conclusions. But the omission of index and bibliography is very much to be regretted.—YAMATO ICHIHASHI, Stanford University.

A regrettable typographical error occurred in the review of the *Encyclopedia of Banking and Finance* by Mr. Glenn G. Munn published in the POLITICAL SCIENCE QUARTERLY for December 1931, page 625. Mr. Munn is there quoted as saying of the Federal Land Banks, "the stock subscribed by the United States does receive dividends". This should have read "the stock subscribed by the United States does not receive dividends".—H. P. WILLIS.

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